NPT/CONF.2005/57 (Part II)

United Nations

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Final Document

Part II
Documents issued at the Conference

New York, 2005

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Note

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2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

20 May 2004

Original: English

Final report of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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I. Terms of reference and organization of work

1. At its fifty-sixth session, the General Assembly, in its resolution 56/24 O of 29 November 2001, took note of the decision of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), following appropriate consultations, to hold the first meeting of the Preparatory Committee in New York from 8 to 19 April 2002.

2. Accordingly, the Committee held its first session in New York from 8 to 19 April 2002. Following the decision taken at that session, the Committee held its second session at Geneva from 28 April to 9 May 2003 and its third session in New York from 26 April to 7 May 2004. Reports covering the first two sessions of the Committee were issued, respectively, as documents NPT/CONF.2005/PC.I/21 and Corr.1 and NPT/CONF.2005/PC.II/50.

3. At the first session of the Preparatory Committee, an understanding had been reached among delegations, according to which a representative of the Western Group should be proposed to chair the first session, a representative of the Group of Eastern European States should be proposed to chair the second session, a representative of the Group of Non-Aligned and other States parties to the Treaty on the Non-Proliferation of Nuclear Weapons should be proposed to chair the third session and a representative of the Group of Non-Aligned and other States parties to the Treaty should be proposed for the presidency of the 2005 Review Conference.

4. Pursuant to that understanding, at its first session, the Preparatory Committee elected Henrik Salander (Sweden) to serve as Chairman of the first session. It also decided that László Molnár (Hungary) would be Chairman of the second session. It was further decided that, when not serving as Chairman, the chairmen of the sessions of the Preparatory Committee would serve as Vice-Chairmen of the Committee.

5. At its third session, the Committee elected Sudjadnan Parnohadiningrat (Indonesia) as Chairman of the third session. At the same session, the Committee was informed that the Chairman had been advised by the delegation of Sweden that Elisabet Borsiin Bonnier was to succeed Mr. Salander in the Bureau of the Preparatory Committee as Vice-Chairperson.

6. At the third session, the Committee authorized its Bureau and the President-Elect to handle technical and other organizational matters, as well as to carry out consultations with States parties in the period before the Conference. It also decided that the Chairman of the third session should open the Conference.

7. At its first session, the Committee adopted its agenda as contained in paragraph 8 of document NPT/CONF.2005/PC.I/21 and Corr.1, as follows:

1. Opening of the session.
2. Election of the Chairman.
3. Adoption of the agenda.
4. General debate on issues related to all aspects of the work of the Preparatory Committee.
5. Statements by non-governmental organizations.

6. Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, in particular, consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the Treaty and decisions 1 and 2, as well as the resolution on the Middle East adopted in 1995, and the outcome of the 2000 Review Conference, including developments affecting the operation and purpose of the Treaty.

7. Organization of work of the Preparatory Committee:

   (a) Election of officers;

   (b) Dates and venue for further sessions;

   (c) Methods of work:

      (i) Decision-making;

      (ii) Participation;

      (iii) Working languages;

      (iv) Records and documents.

8. Report on the results of the session to the next session of the Preparatory Committee.

9. Organization of the 2005 Review Conference:

   (a) Dates and venue;

   (b) Draft rules of procedure;

   (c) Election of the President and other officers;

   (d) Appointment of the Secretary-General of the Review Conference;

   (e) Provisional agenda;

   (f) Financing of the Review Conference, including its Preparatory Committee;

   (g) Background documentation;

   (h) Final document(s).

10. Adoption of the final report and recommendations of the Preparatory Committee to the Review Conference.

11. Any other matters.

8. Hannelore Hoppe, Chief, Weapons of Mass Destruction Branch, Department for Disarmament Affairs, served as Secretary of the first session of the Preparatory Committee. Silvana Fonseca da Silva, Chief, Weapons of Mass Destruction Branch, Department for Disarmament Affairs, served as Secretary of the second and third sessions of the Preparatory Committee. Tariq Rauf, Head, Verification and Security Policy Coordination, Office of External Relations and Policy Coordination, International Atomic Energy Agency (IAEA) represented the Agency at all sessions.

9. Delegations of the following 153 States parties participated in one or more sessions of the Preparatory Committee:

> Afghanistan, Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Holy See, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Palau, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe.

10. At the second session, the Chairman made the following statement: "You will recall that the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons mandated the Chairpersons of the sessions of the Preparatory Committee 'to carry out consultations with the States Parties to prepare the ground for the outcome of the sessions as well as their agenda'. Accordingly, I carried out those consultations, which revealed diverging views on the status of the Democratic People's Republic of Korea in the NPT. It is my conviction that a debate on the issue would only serve to the detriment of the purpose of the Preparatory Committee, namely 'to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality'. In the light of the above, the Chair has the intention, under his own responsibility, not to open a debate on this issue and to retain the nameplate of the said country temporarily, in his custody. The Chair has therefore asked the Secretariat to hold the nameplate in the conference room for the duration of the second session of the Preparatory Committee. This is in no way meant to prejudice the outcome of ongoing consultations on the issue". The Committee took note of that statement.

11. At the third session, the Chairman made the following statement: "I would like to refer to some aspects of my consultations prior to this session, which I carried out in accordance with the mandate given to the Chairpersons of the sessions of the Preparatory Committee as contained in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear

Weapons. My consultations revealed, inter alia, the continuation of divergent views on the status of the Democratic People's Republic of Korea in NPT. The consultations also revealed that States Parties were ready to uphold, in this regard, the procedure applied by my predecessor, Ambassador László Molnár. Accordingly, it is the intention of the Chair, under his own responsibility, not to open a debate on this issue and to retain the nameplate of the said country temporarily, in his custody. The Chair has therefore asked the Secretariat to hold the nameplate in the conference room for the duration of the third session of the Preparatory Committee. This is in no way meant to prejudice the outcome of ongoing consultations on this issue". The Committee took note of that statement.

12. At its first session, the Committee decided that:

(a) Representatives of States not parties to the Treaty on the Non-Proliferation of Nuclear Weapons should be allowed, upon request, to attend as observers the meetings of the Committee other than those designated closed meetings, to be seated in the Committee behind their countries' nameplates and to receive documents of the Committee. They should also be entitled to submit documents to the participants in the Committee. Accordingly, representatives of Cuba attended the first session of the Committee as observers;

(b) Representatives of specialized agencies and international and regional intergovernmental organizations should be allowed, upon request, to attend as observers the meetings of the Committee other than those designated closed meetings, to be seated in the Committee behind their organizations' nameplates and to receive documents of the Committee. They should also be entitled to submit, in writing, their views and comments on questions within their competence, which may be circulated as documents of the Committee. The following international and regional intergovernmental organizations were represented as observers at meetings of the Committee: Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), European Commission, International Committee of the Red Cross, League of Arab States, Organization of African Unity (first session), Organization of the Islamic Conference, Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization and Pacific Islands Forum;

(c) Representatives of non-governmental organizations should be allowed, upon request, to attend the meetings of the Committee other than those designated closed, to be seated in the public gallery, to receive documents of the Committee and, at their own expense, to make written material available to the participants in the Committee. The Committee shall also allocate a meeting to non-governmental organizations to address each session of the Committee. Representatives of 111 non-governmental organizations attended one or more sessions of the Committee.

13. At its first session, the Committee decided to make every effort to adopt its decisions by consensus. In the event that consensus could not be reached, the Committee would then take decisions in accordance with the rules of procedure of the 2000 Review Conference, which would be applied mutatis mutandis.

14. Also at its first session, the Committee decided to use Arabic, Chinese, English, French, Russian and Spanish as its working languages.

15. In accordance with the Committee's decision at its first session, summary records were provided, at each session, for the Committee's opening meetings, the general debate and the closing meetings. The summary records of the first session

were issued as documents NPT/CONF.2005/PC.I/SR.1-4, 6, 18 and 19. The summary records of the second session were issued as documents NPT/CONF.2005/PC.II/SR.1-4 and 19. The summary records of the third session (NPT/CONF.2005/PC.III/SR.1-3 and 5) are issued separately as annex I to the present report.

16. At each session, the Committee set aside meetings for a general debate on issues related to all aspects of its work in the course of which many delegations made statements. All statements are reflected in the summary records of those meetings.

17. Also at each session, the Committee set aside one meeting for presentations by representatives of non-governmental organizations.

II. Substantive work of the Committee

18. The Committee held 30 meetings devoted to substantive discussions under agenda item 6.

19. The discussion at each session of the Preparatory Committee was structured according to indicative timetables, which provided equal time for the consideration of three clusters of issues and three specific blocs of issues.

20. At the third session, the Chairman made the following statement: "To resolve the pending issues that we have, particularly on the timetable of this session of the Committee, and with the objective of ensuring that any understanding that is achieved on how the issues relevant to the Treaty are addressed does not prejudice the way in which these issues are to be dealt with at the Review Conference, I intend to organize our work in the few days to come in the following way: the Chair will provide the opportunity for States parties to specifically address the issue of security assurances under the time allocated for cluster 1, and the issue of the 1995 Middle East resolution under the time allocated for regional issues. In reaching this conclusion, the Chair has taken into account the different views that exist on the timetable of work and the limited time available for our deliberations at this particular session of the Committee. Delegations are invited to structure their deliberations on the issues that will be dealt with, within these time allocations in accordance with the proposal that I am making. I strongly hope that such an approach will secure a positive outcome for our work for the completion of the mandates of the Committee. Regarding any other issues on our agenda, the structure of the programme of work of the previous two sessions of the Committee will be applied with some necessary adjustments". The Committee took note of that statement and of the indicative timetable proposed by the Chairman.

21. The Committee considered the following three clusters of issues as contained in annex VIII to the final report of the Preparatory Committee for the 2000 Review Conference (NPT/CONF.2000/1):

(a) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security;

(b) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones;

(c) Implementation of the provisions of the Treaty relating to the inalienable right of all States parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with articles I and II.

22. The Committee considered the following three specific blocs of issues:

(a) Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament, as well as the agreements, conclusions and commitments listed under the section entitled "Article VI and eighth to twelfth preambular paragraphs" contained in the Final Document of the 2000 Review Conference;

(b) Regional issues, including with respect to the Middle East and the implementation of the 1995 Middle East resolution and the commitments, conclusions and follow-up submissions to the Secretary-General of the United Nations, the President of the 2005 Review Conference and the Chairpersons of the Preparatory Committee meetings, in accordance with the relevant subparagraphs listed under the section entitled "Regional issues: the Middle East, particularly implementation of the 1995 resolution on the Middle East", contained in the Final Document of the 2000 Review Conference;

(c) Safety and security of peaceful nuclear programmes.

23. Guided by the provisions of the Final Document of the 2000 Review Conference, paragraph 7 of the section entitled "Improving the effectiveness of the strengthened review process for the Treaty", the Chairmen of the first and second sessions of the Committee prepared factual summaries of the consideration of the issues of the Committee, which were annexed to the respective reports of the first and second sessions.

24. The Committee had before it a number of documents submitted by delegations. The list of the documents submitted during the Committee's sessions is contained in annex II to the present report.

III. Organization of work of the Review Conference

25. In the course of its sessions, the Committee considered the following questions relating to the organization and work of the 2005 Review Conference:

(a) Dates and venue;

(b) Draft rules of procedure;

(c) Election of the President and other officers;

(d) Appointment of the Secretary-General;

(e) Provisional agenda;

(f) Financing of the Review Conference, including its Preparatory Committee;

(g) Background documentation;

(h) Final document(s).

Dates and venue of the Conference

26. At its third session, the Committee reaffirmed its agreement, reached at its first session, that the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons would be held in New York from 2 to 27 May 2005.

Draft rules of procedure

27. At its third session, the Committee considered the draft rules of procedure for the Conference and agreed to recommend to the Conference the draft rules of procedure as contained in annex III to the present report.

28. Also at its third session, the Committee agreed to recommend to the Conference that, notwithstanding rule 44.3 of the draft rules of procedure recommended to the Conference, specialized agencies and international and regional intergovernmental organizations be invited to make oral presentations to the Conference upon the decision of the Conference, on a case-by-case basis.

29. At its third session, the Committee agreed to recommend to the Conference that, in accordance with the draft rules of procedure, representatives of non-governmental organizations be allowed to attend meetings, other than those designated as closed, and to receive documents of the Conference; that, in accordance with past practice, non-governmental organizations be allowed to make written material available, at their own expense, to the participants of the Conference; and that non-governmental organizations be allowed to address the Conference, consistent with the Final Document of the 2000 Review Conference.

Election of the President and other officers

30. At its third session, the Committee unanimously endorsed the candidacy of Sérgio de Queiroz Duarte of Brazil for the presidency of the 2005 Review Conference.

31. Also at the third session, the Committee agreed to recommend that Main Committee I should be chaired by a representative of the Group of Non-Aligned and Other States, i.e., the Chairman of the third session of the Preparatory Committee (Indonesia); Main Committee II should be chaired by a representative of the Group of Eastern European States, i.e., the Chairman of the second session of the Preparatory Committee (Hungary); and that Main Committee III should be chaired by a representative of the Western Group, i.e., the Chairman of the first session of the Preparatory Committee (Sweden).

32. The Committee also agreed to recommend that the post of Chairman of the Drafting Committee be assumed by a representative of the Group of Eastern European States, and the post of Chairman of the Credentials Committee by a representative of the Group of Non-Aligned and Other States.

Appointment of the Secretary-General

33. At its first session, the Committee decided to invite the Secretary-General of the United Nations, in consultation with the members of the Preparatory Committee, to nominate an official to act as provisional Secretary-General of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear

Weapons, a nomination to be confirmed by the Conference itself. At its third session, the Committee was informed of the decision of the Secretary-General, taken after consultations with the members of the Preparatory Committee, to nominate Silvana Fonseca da Silva, Chief of the Weapons of Mass Destruction Branch, Department for Disarmament Affairs of the United Nations Secretariat, to serve as provisional Secretary-General of the Conference. The Committee took note of that nomination.

Financing of the Review Conference, including its Preparatory Committee

34. At its second session, the Committee took note of the estimated costs of the Conference, including its Preparatory Committee (NPT/CONF.2005/PC.II/1). At its third session, the Committee agreed to the schedule for the division of costs. The schedule for the division of costs is contained in the appendix to the draft rules of procedure as reflected in annex III to the present report.

Final document(s)

35. At its third session, the Committee decided to defer the consideration of this matter to the 2005 Review Conference.

IV. Participation at the Review Conference

36. The Committee decided that invitations to States which, in accordance with the decision on participation, were entitled to participate in the Conference, as well as invitations to the Secretary-General of the United Nations and the Director-General of the International Atomic Energy Agency, should be issued by the Chairman of the third session of the Preparatory Committee.

V. Adoption of the final report

37. The Preparatory Committee adopted its final report at its last meeting, on 7 May 2004.[1]

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[1] Also at the last meeting, the Chairman announced his intention, as agreed by the Committee, to circulate under his own responsibility a Chairman's working paper on issues and proposals that required further discussion by the Committee (NPT/CONF.2005/PC.III/WP.30).

Annex I

Summary records

The summary records of the meetings of the third session of the Preparatory Committee will be issued separately in documents NPT/CONF.2005/PC.III/SR.1-3 and 5.

Annex II

List of documents

First Session

NPT/CONF.2005/PC.I/1	Provisional agenda
NPT/CONF.2005/PC.I/2	Measures taken to institutionalize Mongolia's nuclear-weapon-free status: report submitted by Mongolia
NPT/CONF.2005/PC.I/3	Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East: compilation of reports submitted by Algeria, Australia, Egypt and Jordan
NPT/CONF.2005/PC.I/3/Add.1	Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East: compilation of reports submitted by Canada, China, Morocco, Sweden and United Kingdom of Great Britain and Northern Ireland
NPT/CONF.2005/PC.I/3/Add.2	Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East: compilation of reports submitted by Saudi Arabia and Tunisia
NPT/CONF.2005/PC.I/3/Add.3	Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East: report submitted by the United States of America
NPT/CONF.2005/PC.I/3/Add.4	Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East: compilation of reports submitted by Japan and Libyan Arab Jamahiriya
NPT/CONF.2005/PC.I/3/Add.5	Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East: compilation of reports submitted by France and Tunisia

NPT/CONF.2005/PC.I/3/Add.6	Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East: report submitted by Qatar
NPT/CONF.2005/PC.I/4	Implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and objectives for nuclear non-proliferation and disarmament": report submitted by Poland
NPT/CONF.2005/PC.I/5	Implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and objectives for nuclear non-proliferation and disarmament": report submitted by Thailand
NPT/CONF.2005/PC.I/5/Add.1	Implementation of additional measures to help promote nuclear disarmament and the non-proliferation of nuclear weapons, through the efforts of the Office of the Atomic Energy Agency for Peace: report submitted by Thailand
NPT/CONF.2005/PC.I/6	Implementation of article VI obligations under the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Australia
NPT/CONF.2005/PC.I/7	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by New Zealand
NPT/CONF.2005/PC.I/8	Report within the framework of the strengthened review process for the Non-Proliferation Treaty, on the implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and objectives for nuclear non-proliferation and disarmament", submitted by Indonesia
NPT/CONF.2005/PC.I/9	New Agenda Coalition paper, submitted by Egypt on behalf of the New Agenda countries
NPT/CONF.2005/PC.I/10	Implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and objectives for nuclear non-proliferation and disarmament": report submitted by Sweden
NPT/CONF.2005/PC.I/11	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Canada
NPT/CONF.2005/PC.I/12/Corr.1	Submission by the United States of America (see document NPT/CONF.2005/PC.I/3/Add.3)

NPT/CONF.2005/PC.I/13	Implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and objectives for nuclear non-proliferation and disarmament": report submitted by Germany
NPT/CONF.2005/PC.I/14	Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 Decision on "Principles and objectives for nuclear non-proliferation and disarmament": report submitted by Japan
NPT/CONF.2005/PC.I/15	Statement made by Myanmar on behalf of the countries of the Association of South-East Asian Nations on the Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Treaty of Bangkok)
NPT/CONF.2005/PC.I/16	Statement made by Spain on 8 April 2002 on behalf of the European Union
NPT/CONF.2005/PC.I/17	Statement made by Spain on 15 April 2002 on behalf of the European Union
NPT/CONF.2005/PC.I/18	Implementation of article VI of the Treaty and paragraph 4 (c) of the 1995 Decision on "Principles and objectives for nuclear non-proliferation and disarmament": report submitted by Ireland
NPT/CONF.2005/PC.I/19	Note verbale dated 18 April 2002 from the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the secretariat of the first session of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.2005/PC.I/20	Report pursuant to the provision of the final document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in particular to articles VI and VII of the Treaty, submitted by Malaysia
NPT/CONF.2005/PC.I/WP.1	Working paper submitted by Egypt on behalf of the New Agenda Coalition (Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden)
NPT/CONF.2005/PC.I/WP.2	Working paper submitted by Indonesia on behalf of the members of the Movement of Non-Aligned Countries parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2005/PC.I/WP.3	Reporting by States Parties: working paper submitted by Canada
NPT/CONF.2005/PC.I/WP.4	Attaining a nuclear-weapon-free world: working paper submitted by Germany
NPT/CONF.2005/PC.I/WP.5	Non-strategic nuclear weapons: working paper submitted by Germany
NPT/CONF.2005/PC.I/WP.6	Nuclear disarmament and reduction of the danger of nuclear war: working paper submitted by China
NPT/CONF.2005/PC.I/WP.7	Working paper submitted by Japan
NPT/CONF.2005/PC.I/WP.8	Peaceful uses of nuclear energy: working paper submitted by China
NPT/CONF.2005/PC.I/WP.9	The prevention of nuclear weapons proliferation, nuclear-weapon-free zones and the Middle East nuclear question: working paper submitted by China
NPT/CONF.2005/PC.I/WP.10	Working paper submitted by Egypt on behalf of the New Agenda Coalition (Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden)
NPT/CONF.2005/PC.I/WP.11	Proposed elements for inclusion in the report of the Preparatory Committee on the work of its first session: working paper submitted by the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan
NPT/CONF.2005/PC.I/WP.12	Protection against nuclear terrorism and security of nuclear materials and nuclear installations: working paper submitted by Germany
NPT/CONF.2005/PC.I/WP.13	Working paper submitted by the delegations of Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden
NPT/CONF.2005/PC.I/WP.14	Statement made by Indonesia on 19 April 2002 on behalf of the members of the Movement of Non-Aligned Countries parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.2005/PC.I/CRP.1	Draft report of the Preparatory Committee on its first session
NPT/CONF.2005/PC.I/INF.1	Information note
NPT/CONF.2005/PC.I/INF.2	List of non-governmental organizations

NPT/CONF.2005/PC.I/INF.3	Indicative timetable
NPT/CONF.2005/PC.I/INF.4	List of participants
Second Session	
NPT/CONF.2005/PC.II/1	Estimated cost of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.2005/PC.II/2	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 Decision on "Principles and objectives for nuclear non-proliferation and disarmament": report submitted by Hungary
NPT/CONF.2005/PC.II/3	Statement of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean
NPT/CONF.2005/PC.II/3/Rev.1	Statement of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean — Revision
NPT/CONF.2005/PC.II/4	Update on the work of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization
NPT/CONF.2005/PC.II/5	Implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and objectives for nuclear non-proliferation and disarmament": report submitted by the Republic of Korea
NPT/CONF.2005/PC.II/6	Report by the Kingdom of Morocco on the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons and the 1995 resolution on the Middle East
NPT/CONF.2005/PC.II/7	Measures undertaken by the Republic of Croatia on implementing the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by the Republic of Croatia
NPT/CONF.2005/PC.II/8	Implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and objectives for nuclear non-proliferation and disarmament": report submitted by Slovakia
NPT/CONF.2005/PC.II/9	Report on steps taken during the past year to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the

	1995 resolution on the Middle East: report submitted by Egypt
NPT/CONF.2005/PC.II/10	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Lithuania
NPT/CONF.2005/PC.II/10/Corr.1 (English only)	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Lithuania — Corrigendum
NPT/CONF.2005/PC.II/11	China's national report on steps to promote the Middle East Peace Process and the realization of a nuclear-weapon-free zone in the Middle East: report submitted by China
NPT/CONF.2005/PC.II/12	Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East: report submitted by Australia
NPT/CONF.2005/PC.II/13	Implementation of article VI of the NPT and paragraph 4 (c) of the 1995 Decision on "Principles and objectives for nuclear non-proliferation and disarmament": report submitted by Australia
NPT/CONF.2005/PC.II/14	Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by New Zealand
NPT/CONF.2005/PC.II/15	Report by the Government of the People's Democratic Republic of Algeria on steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East: report submitted by the Government of the People's Democratic Republic of Algeria
NPT/CONF.2005/PC.II/16	New Agenda Coalition paper submitted by New Zealand on behalf of Brazil, Egypt, Ireland, Mexico, South Africa and Sweden as members of the New Agenda Coalition
NPT/CONF.2005/PC.II/17	Report by the Kingdom of Morocco on the implementation of the Nuclear Non-Proliferation Treaty and of paragraph 4 (c) of the 1995 Decision on the "Principles and objectives for nuclear non-proliferation", as well as on the implementation of the 1995 resolution on the establishment of a nuclear-weapon-free zone in the Middle East

NPT/CONF.2005/PC.II/18	Implementation of article VI of the NPT, taking into account the conclusions in the Final Document of the 2000 Review Conference and paragraph 4 (c) of the 1995 Principles and Objectives: report submitted by the Netherlands
NPT/CONF.2005/PC.II/19	Implementation of the Non-Proliferation Treaty: report submitted by Canada
NPT/CONF.2005/PC.II/20	Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East: report submitted by Canada
NPT/CONF.2005/PC.II/21	Joint statement by the Russian Federation and the United States of America on the Moscow Treaty (SORT) to the second session of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.2005/PC.II/22	Provisions of the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in particular articles VI and VII of the Treaty: report submitted by Malaysia
NPT/CONF.2005/PC.II/23	Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and of paragraph 4 (c) of the 1995 Decision on "Principles and objectives for nuclear non-proliferation and disarmament": report submitted by Switzerland
NPT/CONF.2005/PC.II/24	Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 Decision on "Principles and objectives for nuclear non-proliferation and disarmament": report submitted by Indonesia
NPT/CONF.2005/PC.II/25	The strengthened review process for the Treaty on the Non-Proliferation of Nuclear Weapons: implementation of article VI and other provisions: report submitted by South Africa
NPT/CONF.2005/PC.II/26	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by the Republic of Bulgaria
NPT/CONF.2005/PC.II/27	Implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and

	objectives for nuclear non-proliferation and disarmament": report submitted by Finland
NPT/CONF.2005/PC.II/28	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Sri Lanka
NPT/CONF.2005/PC.II/29	Implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and objectives for nuclear non-proliferation and disarmament": report submitted by Sweden
NPT/CONF.2005/PC.II/30	Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East: report submitted by Saudi Arabia
NPT/CONF.2005/PC.II/31	Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East: report submitted by Japan
NPT/CONF.2005/PC.II/32	Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Japan
NPT/CONF.2005/PC.II/33	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Brazil
NPT/CONF.2005/PC.II/34	Principles and objectives for nuclear non-proliferation and disarmament: report submitted by Norway
NPT/CONF.2005/PC.II/35	Report on steps taken to promote the achievement of an effectively verifiable Middle East zone free from nuclear weapons as well as other weapons of mass destruction, and the realization of the goals and objectives of the 1995 resolution on the Middle East: report submitted by Sweden
NPT/CONF.2005/PC.II/36	Steps taken to promote the environment necessary to encourage nations to establish an effectively verifiable Middle East zone free of weapons of mass destruction and the realization of the goals and objectives of the 1995 resolution on the Middle East: report submitted by the United States of America
NPT/CONF.2005/PC.II/37	Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and of paragraph 4 (c) of the 1995 Decision on the "Principles and objectives for nuclear non-proliferation and disarmament" as well

	as of the 13 practical steps of the 2000 Final Document: report submitted by Belgium
NPT/CONF.2005/PC.II/38	Paper submitted by the Permanent Delegation of the League of Arab States to the United Nations in Geneva on behalf of the League of Arab States to the second session of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty of the Non-Proliferation of Nuclear Weapons
NPT/CONF.2005/PC.II/39	Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4 (c) of the 1995 Decision on "Principles and objectives for nuclear non-proliferation and disarmament": report submitted by Ireland
NPT/CONF.2005/PC.II/40	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Mongolia
NPT/CONF.2005/PC.II/41	Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and of paragraph 4 (c) of the 1995 Decision on the principles and objectives for nuclear non-proliferation and disarmament: report submitted by Mexico
NPT/CONF.2005/PC.II/42	Implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and objectives for nuclear non-proliferation and disarmament": report submitted by Romania
NPT/CONF.2005/PC.II/43	Report on the Middle East submitted under paragraph 16, subparagraph 7, of the chapter of the Final Document of the 2000 NPT Review Conference devoted to article VII, on measures taken by France to promote the achievement of a zone free of nuclear weapons as well as other weapons of mass destruction and the realization of the goals and objectives of the 1995 resolution on the Middle East: report submitted by France
NPT/CONF.2005/PC.II/44	Establishment of a nuclear-weapon-free zone in the Middle East: report submitted by the Islamic Republic of Iran
NPT/CONF.2005/PC.II/45	Implementation of article VI: report submitted by the Islamic Republic of Iran
NPT/CONF.2005/PC.II/46	Realization of the goals and objectives of the 1995 resolution on the Middle East within the framework of the strengthened NPT review

	process: report submitted by the Syrian Arab Republic
NPT/CONF.2005/PC.II/47	Realization of the goals and objectives of the 1995 resolution on the Middle East: report submitted by Jordan
NPT/CONF.2005/PC.II/48	Report of the United Kingdom of Great Britain and Northern Ireland on the goals and objectives of the 1995 resolution on the Middle East
NPT/CONF.2005/PC.II/49	Improving the effectiveness of the strengthened review process for the Treaty on the Non-Proliferation of Nuclear Weapons and implementation of article VI of the Treaty and paragraph 4 (c) of the 1995 Decision on "Principles and objectives for nuclear non-proliferation and disarmament": report submitted by Peru
NPT/CONF.2005/PC.II/WP.1	Verification of nuclear disarmament: first interim report on studies into the verification of nuclear warheads and their components: working paper submitted by the United Kingdom of Great Britain and Northern Ireland
NPT/CONF.2005/PC.II/WP.2	Reporting by States Parties: working paper submitted by Canada
NPT/CONF.2005/PC.II/WP.3	China's working paper on nuclear disarmament and reduction of the danger of nuclear war
NPT/CONF.2005/PC.II/WP.4	China's working paper on the prevention of nuclear weapons proliferation
NPT/CONF.2005/PC.II/WP.5	China's working paper on the nuclear-weapon-free zones
NPT/CONF.2005/PC.II/WP.6	China's working paper on the peaceful uses of nuclear energy
NPT/CONF.2005/PC.II/WP.7	China's working paper on the Middle East nuclear issue
NPT/CONF.2005/PC.II/WP.8/Corr.1	Report of the United Kingdom of Great Britain and Northern Ireland on the goals and objectives of the 1995 resolution on the Middle East (see document NPT/CONF.2005/PC.II/48)
NPT/CONF.2005/PC.II/WP.9	Further strengthening of the review process of the Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by South Africa

NPT/CONF.2005/PC.II/WP.10	Working paper submitted by the Republic of Cuba
NPT/CONF.2005/PC.II/WP.11	Working paper: Security assurances: submitted by New Zealand on behalf of Brazil, Egypt, Ireland, Mexico, Sweden, and South Africa as members of the New Agenda Coalition
NPT/CONF.2005/PC.II/WP.12	Cluster issues — Article VII: working paper submitted by Uzbekistan
NPT/CONF.2005/PC.II/WP.13	Reductions of non-strategic weapons: working paper submitted by Austria, Mexico and Sweden
NPT/CONF.2005/PC.II/WP.14	Negative security assurances: working paper submitted by the Islamic Republic of Iran
NPT/CONF.2005/PC.II/WP.15	Working paper submitted by Japan
NPT/CONF.2005/PC.II/WP.16	NGO participation in the NPT review process: working paper submitted by Canada
NPT/CONF.2005/PC.II/WP.17	Working paper submitted by Belgium, the Netherlands and Norway for consideration at the second session of the Preparatory Committee for the 2005 NPT Review Conference
NPT/CONF.2005/PC.II/WP.18	Working paper on disarmament and non-proliferation education: submitted by Egypt, Hungary, Japan, Mexico, New Zealand, Peru, Poland and Sweden
NPT/CONF.2005/PC.II/WP.19	Working paper submitted by Malaysia on behalf of the Group of Non-Aligned and Other States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.2005/PC.II/CRP.1	Draft report of the Preparatory Committee on its second session
NPT/CONF.2005/PC.II/INF.1	Information note
NPT/CONF.2005/PC.II/INF.2	Indicative timetable
NPT/CONF.2005/PC.II/INF.3	List of non-governmental organizations
NPT/CONF.2005/PC.II/INF.3/Add.1	List of non-governmental organizations — Addendum
NPT/CONF.2005/PC.II/INF.3/Corr.1	List of non-governmental organizations — Corrigendum
NPT/CONF.2005/PC.II/INF.4	List of participants
NPT/CONF.2005/PC.II/MISC.1	Provisional list of participants

Third Session

NPT/CONF.2005/PC.III/1	Implementation of the Treaty: report submitted by Canada
NPT/CONF.2005/PC.III/2	Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East: report submitted by Canada
NPT/CONF.2005/PC.III/3	Report by the United Kingdom on the goals and objectives of the 1995 resolution on the Middle East
NPT/CONF.2005/PC.III/4	Update on the work of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization: report submitted by the provisional technical secretariat of the Preparatory Commission
NPT/CONF.2005/PC.III/5	Implementation of the Treaty: report submitted by the Republic of Lithuania
NPT/CONF.2005/PC.III/6	Steps taken by China to facilitate the Middle East peace process and promote the establishment of a nuclear-weapon-free zone in the Middle East: report submitted by China
NPT/CONF.2005/PC.III/7	Implementation of article VI of NPT and paragraph 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament: report submitted by Australia
NPT/CONF.2005/PC.III/8	Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East: report submitted by Australia
NPT/CONF.2005/PC.III/9	Implementation of article VI of NPT and paragraph 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament: report submitted by Switzerland
NPT/CONF.2005/PC.III/10	Implementation of article VI and paragraph 4 (c) of the 1995 Decision on principles and objectives for nuclear non-proliferation and disarmament: report submitted by the Republic of Korea
NPT/CONF.2005/PC.III/11	New Agenda Coalition: substantive recommendations to the third session of the Preparatory Committee

NPT/CONF.2005/PC.III/12	Report of Morocco on the implementation of the Treaty and the 1995 resolution on the Middle East
NPT/CONF.2005/PC.III/13	Implementation of the Non-Proliferation Treaty: report submitted by Slovakia
NPT/CONF.2005/PC.III/14	Implementation of article VI of the Treaty and paragraph 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament: report submitted by Japan
NPT/CONF.2005/PC.III/15	Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East: report submitted by Japan
NPT/CONF.2005/PC.III/16	Implementation of article VI of NPT, taking into account the conclusions in the Final Document of the 2000 Review Conference and paragraph 4 (c) of the 1995 principles and objectives: report submitted by the Netherlands
NPT/CONF.2005/PC.III/17	Havana Declaration: submitted by Cuba
NPT/CONF.2005/PC.III/18	Implementation of the Treaty: report submitted by Hungary
NPT/CONF.2005/PC.III/19	Report presented by the Syrian Arab Republic at the third session of the Preparatory Committee with a view to the realization of the goals and objectives of the 1995 resolution on the Middle East within the framework of the strengthened review process for the Non-Proliferation Treaty
NPT/CONF.2005/PC.III/20	Report submitted by Portugal on the implementation of article VI of NPT and of paragraph 4 (c) of the decision on principles and objectives for nuclear non-proliferation and disarmament, produced by the 1995 NPT Review and Extension Conference
NPT/CONF.2005/PC.III/21	Report on steps taken to promote the achievement of an effectively verifiable Middle East zone free from nuclear weapons as well as other weapons of mass destruction, and the realization of the goals and objectives of the 1995 resolution on the Middle East: report submitted by Sweden

NPT/CONF.2005/PC.III/22	Implementation of article VI and paragraph 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament: report submitted by Sweden
NPT/CONF.2005/PC.III/23	Implementation of article VI of the Treaty and of paragraph 4 (c) of the principles and objectives for nuclear non-proliferation and disarmament adopted in 1995: report submitted by Mexico
NPT/CONF.2005/PC.III/24	Implementation of article VI of the Treaty and paragraph 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament: report submitted by Ukraine
NPT/CONF.2005/PC.III/25	Implementation of article VI and paragraph 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament: report submitted by Romania
NPT/CONF.2005/PC.III/26	Steps taken during the past year to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolutions on the Middle East: report submitted by Egypt
NPT/CONF.2005/PC.III/27	Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by New Zealand
NPT/CONF.2005/PC.III/28	Implementation of article VI of NPT and paragraph 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament: report submitted by Norway
NPT/CONF.2005/PC.III/29	Implementation of article VI of NPT and paragraph 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament: report submitted by Greece
NPT/CONF.2005/PC.III/30	*Not issued*
NPT/CONF.2005/PC.III/31	Report submitted by Spain on the implementation of article VI of NPT, in line with the Final Document of the 2000 Review Conference (13 steps), to the third session of the Preparatory Committee
NPT/CONF.2005/PC.III/32	Establishment of a nuclear-weapon-free zone in the Middle East: report submitted by the Islamic Republic of Iran

NPT/CONF.2005/PC.III/33	Implementation of article VI: report submitted by the Islamic Republic of Iran
NPT/CONF.2005/PC.III/34	Implementation of the Treaty: report submitted to Luxembourg
NPT/CONF.2005/PC.III/35	Report on the Middle East — pursuant to paragraph 16 (7) of the section on article VII in the Final Document of the 2000 NPT Review Conference — concerning the steps taken by France to promote the creation of a zone free of nuclear weapons as well as other weapons of mass destruction and the realization of the goals and objectives of the 1995 resolution on the Middle East
NPT/CONF.2005/PC.III/36	Implementation of the Treaty: report submitted by Austria
NPT/CONF.2005/PC.III/37	Implementation of article VI of the Treaty and paragraphs 3 and 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament: report submitted by Ireland
NPT/CONF.2005/PC.III/38	Implementation of article VI of the Treaty and of paragraph 4 (c) of the 1995 decision on the principles and objectives for nuclear non-proliferation and disarmament, as well as on the 13 practical steps of the 2000 final document: report submitted by Belgium
NPT/CONF.2005/PC.III/39	Implementation of article VI and paragraph 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament: report submitted by Finland
NPT/CONF.2005/PC.III/40	Document submitted by the United States
NPT/CONF.2005/PC.III/41	Implementation of Article VI and paragraph 4 (c) of the 1995 decision on "Principles and objectives for nuclear non-proliferation and disarmament": Report submitted by Malaysia
NPT/CONF.2005/PC.III/42	Substantive recommendations by the Islamic Republic of Iran to the third session of the Preparatory Committee of the 2005 NPT Review Conference
NPT/CONF.2005/PC.III/43	Position paper on the Final Outcome of the Third Session of the Preparatory Committee (PrepCom) for the 2005 NPT Review Conference: submitted by the Non-Aligned States and other States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2005/PC.III/44	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by the Republic of Kazakhstan
NPT/CONF.2005/PC.III/45	Implementation of Article VI of the NPT and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by the Czech Republic
NPT/CONF.2005/PC.III/46	The Contemporary Crisis of Compliance: Submitted by the United States
NPT/CONF.2005/PC.III/47	Report on measures to promote the establishment of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East: report submitted by Tunisia
NPT/CONF.2005/PC.III/48	Report of Algeria concerning the measures taken to promote the creation of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East
NPT/CONF.2005/PC.III/WP.1	Overcoming the Institutional Deficit of the NPT: working paper submitted by Canada
NPT/CONF.2005/PC.III/WP.2	Reporting by States parties: working paper submitted by Canada
NPT/CONF.2005/PC.III/WP.3	Verification of nuclear disarmament: Second interim report on studies into the verification of nuclear warheads and their components: working paper submitted by the United Kingdom of Great Britain and Northern Ireland
NPT/CONF.2005/PC.III/WP.4	Working paper on the issue of nuclear disarmament and reduction of the danger of nuclear war submitted by China
NPT/CONF.2005/PC.III/WP.5	Working paper on prevention of the proliferation of nuclear weapons submitted by China
NPT/CONF.2005/PC.III/WP.6	Working paper on nuclear-weapon-free zones submitted by China
NPT/CONF.2005/PC.III/WP.7	Working paper on the peaceful uses of nuclear energy submitted by China
NPT/CONF.2005/PC.III/WP.8	Working paper on the Middle East nuclear issue submitted by China

NPT/CONF.2005/PC.III/WP.9	Working paper on security assurances submitted by China
NPT/CONF.2005/PC.III/WP.10	Plutonium management group: activities since the 2000 NPT Review Conference: working paper submitted by Switzerland on behalf of Belgium, China, France, Germany, Japan, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America
NPT/CONF.2005/PC.III/WP.11	Working paper submitted by Japan
NPT/CONF.2005/PC.III/WP.12	Paper presented on behalf of the States members of the League of Arab States at the third session of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty
NPT/CONF.2005/PC.III/WP.13	Working paper on reductions of non-strategic nuclear weapons submitted by Austria, Sweden and Ukraine
NPT/CONF.2005/PC.III/WP.14	Working paper on export controls submitted by Germany
NPT/CONF.2005/PC.III/WP.15	Strengthening the NPT against withdrawal and non-compliance — Suggestions for the establishment of procedures and mechanisms: working paper submitted by Germany
NPT/CONF.2005/PC.III/WP.16	Compliance: working paper submitted by Germany
NPT/CONF.2005/PC.III/WP.17	Working paper on disarmament and non-proliferation education: submitted by Egypt, Hungary, Japan, Mexico, New Zealand, Peru, Poland and Sweden
NPT/CONF.2005/PC.III/WP.18	Japan's efforts in disarmament and non-proliferation education: working paper submitted by Japan
NPT/CONF.2005/PC.III/WP.19	Recommendations to the 2005 NPT Review Conference on strengthening the implementation of articles I, II, III, IV: working paper submitted by the United States

NPT/CONF.2005/PC.III/WP.20	The proliferation security initiative and its implications for the Treaty: working paper submitted by Cuba
NPT/CONF.2005/PC.III/WP.21	Working paper on the Southeast Asia nuclear-weapon-free zone submitted by the ASEAN member States (Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam)
NPT/CONF.2005/PC.III/WP.22	Strengthening the nuclear non-proliferation regime: working paper submitted by France
NPT/CONF.2005/PC.III/WP.23	Cooperative threat reduction: working paper submitted by Italy
NPT/CONF.2005/PC.III/WP.24	Working paper submitted by Malaysia on behalf of the Group of Non-Aligned and Other States Parties to the Treaty
NPT/CONF.2005/PC.III/WP.25	Working paper submitted by Belgium, the Netherlands and Norway for consideration at the third Preparatory Committee of the 2005 NPT Review Conference
NPT/CONF.2005/PC.III/WP.26	Working paper submitted by Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan
NPT/CONF.2005/PC.III/WP.27	Chairman's summary
NPT/CONF.2005/PC.III/WP.28	United States statement
NPT/CONF.2005/PC.III/WP.29	Proposed amendments to the draft final report of the third session of the Preparatory Committee for the 2005 NPT Review Conference submitted by the Non-Aligned States and other States parties to the Treaty
NPT/CONF.2005/PC.III/WP.30	Chairman's working paper
NPT/CONF.2005/PC.III/CRP.1	Note by the Secretariat (2005 NPT Review Conference Rules of procedure)
NPT/CONF.2005/PC.III/CRP.2	Schedule for the division of costs
NPT/CONF.2005/PC.III/CRP.3	Note by the Secretariat (2005 NPT Review Conference agenda)
NPT/CONF.2005/PC.III/CRP.4	Draft final report of the Preparatory Committee
NPT/CONF.2005/PC.III/INF.1	Information note
NPT/CONF.2005/PC.III/INF.2	List of non-governmental organizations
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Annex III

Draft rules of procedure

I. Representation and credentials

Delegations of Parties to the Treaty

Rule 1

1. Each State Party to the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter "the Treaty") may be represented at the Conference of the Parties to the Treaty (hereinafter the "Conference") by a head of delegation and such other representatives, alternate representatives and advisers as may be required.

2. The head of delegation may designate an alternate representative or an adviser to act as a representative.

Credentials

Rule 2

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretary-General of the Conference, if possible not less than one week before the date fixed for the opening of the Conference. Credentials shall be issued either by the head of the State or Government or by the Minister for Foreign Affairs.

Credentials Committee

Rule 3

The Conference shall establish a Credentials Committee composed of the Chairman and two Vice-Chairmen elected in accordance with rule 5, and six members appointed by the Conference on the proposal of the President. The Committee shall examine the credentials of representatives and report to the Conference without delay.

Provisional participation

Rule 4

Pending a decision of the Conference upon their credentials, representatives shall be entitled to participate provisionally in the Conference.

II. Officers

Election

Rule 5

The Conference shall elect the following officers: a President and thirty-four Vice-Presidents, as well as a Chairman and two Vice-Chairmen for each of the three

Main Committees, the Drafting Committee and the Credentials Committee. The officers shall be elected so as to ensure a representative distribution of posts.

Acting President

Rule 6

1. If the President is absent from a meeting or any part thereof, he shall designate a Vice-President to take his place.

2. A Vice-President acting as President shall have the same powers and duties as the President.

Voting rights of the President

Rule 7

The President, or a Vice-President acting as President, shall not vote, but shall appoint another member of his delegation to vote in his place.

III. General Committee

Composition

Rule 8

1. The General Committee shall be composed of the President of the Conference, who shall preside, the thirty-four Vice-Presidents, the Chairmen of the three Main Committees, the Chairman of the Drafting Committee and the Chairman of the Credentials Committee. No two members of the General Committee shall be members of the same delegation and it shall be so constituted as to ensure its representative character.

2. If the President is unable to attend a meeting of the General Committee, he may designate a Vice-President to preside at such meeting and a member of his delegation to take his place. If a Vice-President is unable to attend, he may designate a member of his delegation to take his place. If the Chairman of a Main Committee, the Drafting Committee or the Credentials Committee is unable to attend, he may designate one of the Vice-Chairmen to take his place, with the right to vote unless he is of the same delegation as another member of the General Committee.

Functions

Rule 9

The General Committee shall assist the President in the general conduct of the business of the Conference and, subject to the decisions of the Conference, shall ensure the coordination of its work.

IV. Conference Secretariat

Duties of the Secretary-General of the Conference

Rule 10

1. There shall be a Secretary-General of the Conference. He shall act in that capacity in all meetings of the Conference, its committees and subsidiary bodies, and may designate a member of the Secretariat to act in his place at these meetings.

2. The Secretary-General of the Conference shall direct the staff required by the Conference.

Duties of the Secretariat

Rule 11

The Secretariat of the Conference shall, in accordance with these rules:

(a) Interpret speeches made at meetings;

(b) Receive, translate and circulate the documents of the Conference;

(c) Publish and circulate any report of the Conference;

(d) Make and arrange for the keeping of sound recordings and summary records of meetings;

(e) Arrange for the custody of documents of the Conference in the archives of the United Nations and provide authentic copies of these documents to each of the depository Governments; and

(f) Generally perform all other work that the Conference may require.

Costs

Rule 12[1]

The costs of the Conference, including the sessions of the Preparatory Committee, will be met by the States Parties to the Treaty participating in the Conference in accordance with the schedule for the division of costs as shown in the appendix to these Rules.

V. Conduct of business

Quorum

Rule 13

1. A majority of the States Parties to the Treaty participating in the Conference shall constitute a quorum.

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[1] It is understood that the financial arrangements provided by rule 12 do not constitute a precedent.

2. To determine whether the Conference is quorate, any State Party may call for a roll call at any time.

General powers of the President

Rule 14

1. In addition to exercising the powers conferred upon him elsewhere by these Rules, the President shall preside at the plenary meetings of the Conference; he shall declare the opening and closing of each meeting, direct the discussion, ensure observance of these Rules, accord the right to speak, ascertain consensus, put questions to the vote and announce decisions. He shall rule on points of order. The President, subject to these Rules, shall have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Conference the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times the representative of each State may speak on the question, the adjournment or the closure of the debate and the suspension or the adjournment of a meeting.

2. The President, in the exercise of his functions, remains under the authority of the Conference.

Points of order

Rule 15

A representative may at any time raise a point of order, which shall be immediately decided by the President in accordance with these Rules. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the representatives present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Speeches

Rule 16

1. No one may address the Conference without having previously obtained the permission of the President. Subject to rules 15, 17 and 19 to 22, the President shall call upon speakers in the order in which they signify their desire to speak.

2. Debate shall be confined to the subject under discussion and the President may call a speaker to order if his remarks are not relevant thereto.

3. The Conference may limit the time allowed to speakers and the number of times the representative of each State may speak on a question; permission to speak on a motion to set such limits shall be accorded only to two representatives in favour of and to two opposing such limits, after which the motion shall be immediately put to the vote. In any event, the President shall limit interventions on procedural questions to a maximum of five minutes. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

Precedence

Rule 17

The Chairman of a committee may be accorded precedence for the purpose of explaining the conclusion arrived at by his committee.

Closing of list of speakers

Rule 18

During the course of a debate the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. When the debate on an item is concluded because there are no more speakers, the President shall declare the debate closed. Such closure shall have the same effect as closure pursuant to rule 22.

Right of reply

Rule 19

Notwithstanding rule 18, the President may accord the right of reply to a representative of any State participating in the Conference. Such statements shall be as brief as possible and shall, as a general rule, be delivered at the end of the last meeting of the day.

Suspension or adjournment of the meeting

Rule 20

A representative may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted and they shall, subject to rule 23, be immediately put to the vote.

Adjournment of debate

Rule 21

A representative may at any time move the adjournment of the debate on the question under discussion. Permission to speak on the motion shall be accorded only to two representatives in favour of and to two opposing the adjournment, after which the motion shall, subject to rule 23, be immediately put to the vote.

Closure of debate

Rule 22

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall, subject to rule 23, be immediately put to the vote.

Order of motions

Rule 23

The motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

Submission of proposals and substantive amendments

Rule 24

Proposals and substantive amendments shall normally be submitted in writing to the Secretary-General of the Conference, who shall circulate copies to all delegations. Unless the Conference decides otherwise, proposals and substantive amendments shall be discussed or decided on no earlier than twenty-four hours after copies have been circulated in all languages of the Conference to all delegations.

Withdrawal of proposals and motions

Rule 25

A proposal or a motion may be withdrawn by its sponsor at any time before a decision on it has been taken, provided that it has not been amended. A proposal or a motion thus withdrawn may be reintroduced by any representative.

Decision on competence

Rule 26

Any motion calling for a decision on the competence of the Conference to adopt a proposal submitted to it shall be decided upon before a decision is taken on the proposal in question.

Reconsideration of proposals

Rule 27

Proposals adopted by consensus may not be reconsidered unless the Conference reaches a consensus on such reconsideration. A proposal that has been adopted or rejected by a majority or two-thirds vote may be reconsidered if the Conference, by a two-thirds majority, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote.

VI. Voting and elections

Adoption of decisions

Rule 28

1. The task of the Conference being to review, pursuant to paragraph 3 of article VIII of the Treaty, the operation of the Treaty with a view to ensuring that the purposes of the preamble and the provisions of the Treaty are being realized, and thus to strengthen its effectiveness, every effort should be made to reach agreement on substantive matters by means of consensus. There should be no voting on such matters until all efforts to achieve consensus have been exhausted.

2. Decisions on matters of procedure and in elections shall be taken by a majority of representatives present and voting.

3. If, notwithstanding the best efforts of delegates to achieve a consensus, a matter of substance comes up for voting, the President shall defer the vote for forty-eight hours and during this period of deferment shall make every effort, with the assistance of the General Committee, to facilitate the achievement of general agreement, and shall report to the Conference prior to the end of the period.

4. If by the end of the period of deferment the Conference has not reached agreement, voting shall take place and decisions shall be taken by a two-thirds majority of the representatives present and voting, provided that such majority shall include at least a majority of the States participating in the Conference.

5. If the question arises whether a matter is one of procedure or of substance, the President of the Conference shall rule on the question. An appeal against this ruling shall immediately be put to the vote and the President's ruling shall stand unless the appeal is approved by a majority of the representatives present and voting.

6. In cases where a vote is taken, the relevant rules of procedure relating to voting of the General Assembly of the United Nations shall apply, except as otherwise specifically provided herein.

Voting rights

Rule 29

Every State party to the Treaty shall have one vote.

Meaning of the phrase "representatives present and voting"

Rule 30

For the purposes of these Rules, the phrase "representatives present and voting" means representatives casting an affirmative or negative vote. Representatives who abstain from voting are considered as not voting.

Elections

Rule 31

All elections shall be held by secret ballot, unless the Conference decides otherwise in an election where the number of candidates does not exceed the number of elective places to be filled.

Rule 32

1. If, when only one elective place is to be filled, no candidate obtains in the first ballot the majority required, a second ballot shall be taken, confined to the two candidates having obtained the largest number of votes. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among the candidates obtaining the second largest number of votes, a special ballot shall be held among such candidates for the purpose of reducing their number to two; similarly, in the case of a tie among three or more candidates obtaining the largest number of votes, a special ballot shall be held; if a tie again results in this special ballot, the President shall eliminate one candidate by drawing lots and thereafter another ballot shall be held in accordance with paragraph 1.

Rule 33

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot the majority required and the largest number of votes shall be elected

2. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places, provided that if only one place remains to be filled the procedures in rule 32 shall be applied. The ballot shall be restricted to the unsuccessful candidates having obtained the largest number of votes in the previous ballot, but not exceeding twice the numbers of places remaining to be filled. However, in the case of a tie between a greater number of unsuccessful candidates, a special ballot shall be held for the purpose of reducing the number of candidates to the required number; if a tie again results among more than the required number of candidates, the President shall reduce their number to that required by drawing lots.

3. If such a restricted ballot (not counting a special ballot held under the conditions specified in the last sentence of paragraph 2) is inconclusive, the President shall decide among the candidates by drawing lots.

VII. Committees

Main Committees and subsidiary bodies

Rule 34

The Conference shall establish three Main Committees for the performance of its functions. Each such Committee may establish subsidiary bodies so as to provide for a focused consideration of specific issues relevant to the Treaty. As a general rule each State Party to the Treaty participating in the Conference may be represented in the subsidiary bodies unless otherwise decided by consensus.

Representation on the Main Committees

Rule 35

Each State Party to the Treaty participating in the Conference may be represented by one representative on each Main Committee. It may assign to these Committees such alternate representatives and advisers as may be required.

Drafting Committee

Rule 36

1. The Conference shall establish a Drafting Committee composed of representatives of the same States that are represented on the General Committee. It shall coordinate the drafting of and edit all texts referred to it by the Conference or by a Main Committee, without altering the substance of the texts, and report to the Conference or to the Main Committee as appropriate. It shall also, without reopening the substantive discussion on any matter, formulate drafts and give advice on drafting as requested by the Conference or a Main Committee.

2. Representatives of other delegations may also attend the meetings of the Drafting Committee and may participate in its deliberations when matters of particular concern to them are under discussion.

Officers and procedures

Rule 37

The rules relating to officers, the Conference secretariat, conduct of business and voting of the Conference (contained in chaps. II (rules 5-7), IV (rules 10-11), V (rules 13-27) and VI (rules 28-33) above) shall be applicable, mutatis mutandis, to the proceedings of committees and subsidiary bodies, except that:

(a) Unless otherwise decided, any subsidiary body shall elect a chairman and such other officers as it may require;

(b) The Chairmen of the General, the Drafting and the Credentials Committees and the Chairmen of subsidiary bodies may vote in their capacity as representatives of their States;

(c) A majority of the representatives on the General, Drafting and Credentials Committees or on any subsidiary body shall constitute a quorum; the Chairman of a Main Committee may declare a meeting open and permit the debate to proceed when at least one quarter of the representatives of the States participating in the Conference are present.

VIII. Languages and records

Languages of the Conference

Rule 38

Arabic, Chinese, English, French, Russian and Spanish shall be the official languages of the Conference.

Interpretation

Rule 39

1. Speeches made in a language of the Conference shall be interpreted into the other languages.

2. A representative may make a speech in a language other than a language of the Conference if he provides for interpretation into one such language. Interpretation into the other languages of the Conference by interpreters of the Secretariat may be based on the interpretation given in the first such language.

Language of official documents

Rule 40

Official documents shall be made available in the languages of the Conference.

Sound recordings of meetings

Rule 41

Sound recordings of meetings of the Conference and of all committees shall be made and kept in accordance with the practice of the United Nations. Unless otherwise decided by the Main Committee concerned, no such recordings shall be made of the meetings of a subsidiary body thereof.

Summary records

Rule 42

1. Summary records of the plenary meetings of the Conference and of the meetings of the Main Committees shall be prepared by the Secretariat in the languages of the Conference. They shall be distributed in provisional form as soon as possible to all participants in the Conference. Participants in the debate may, within three working days of receipt of provisional summary records, submit to the Secretariat corrections on summaries of their own interventions, in special circumstances, the presiding officer may, in consultation with the Secretary-General of the Conference, extend the time for submitting corrections. Any disagreement concerning such corrections shall be decided by the presiding officer of the body to which the record relates, after consulting, where necessary, the sound recordings of the proceedings. Separate corrigenda to provisional records shall not normally be issued.

2. The summary records, with any corrections incorporated, shall be distributed promptly to participants in the Conference.

IX. Public and private meetings

Rule 43

1. The plenary meetings of the Conference and the meetings of the Main Committees shall be held in public unless the body concerned decides otherwise.

2. Meetings of other organs of the Conference shall be held in private.

X. Participation and attendance

Rule 44

1. Observers

(a) Any other State which, in accordance with article IX of the Treaty, has the right to become a Party thereto but which has neither acceded to it nor ratified it may apply to the Secretary-General of the Conference for observer status, which will be accorded on the decision of the Conference.[2] Such a State shall be entitled to appoint officials to attend meetings of the plenary and of the Main Committees other than those designated closed meetings and to receive documents of the Conference. An observer State shall also be entitled to submit documents for the participants in the Conference.

(b) Any national liberation organization entitled by the General Assembly of the United Nations[3] to participate as an observer in the sessions and the work of the General Assembly, all international conferences convened under the auspices of the General Assembly and all international conferences convened under the auspices of other organs of the United Nations may apply to the Secretary-General of the Conference for observer status, which will be accorded on the decision of the Conference. Such a liberation organization shall be entitled to appoint officials to attend meetings of the plenary and of the Main Committees other than those designated closed meetings and to receive documents of the Conference. An observer organization shall also be entitled to submit documents to the participants in the Conference.

2. The United Nations and the International Atomic Energy Agency

The Secretary-General of the United Nations and the Director General of the International Atomic Energy Agency, or their representatives, shall be entitled to attend meetings of the plenary and of the Main Committees and to receive the Conference documents. They shall also be entitled to submit material, both orally and in writing.

3. Specialized agencies and international and regional intergovernmental organizations

The Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the South Pacific Forum, other international and regional intergovernmental organizations, the Preparatory Commission for the Comprehensive Nuclear Test-Ban Treaty Organization and any specialized agency of the United Nations may apply to the Secretary-General of the Conference for observer agency status, which will be accorded on the decision of the Conference. An observer agency shall be entitled to appoint officials to attend meetings of the plenary and of the Main Committees, other than those designated closed meetings, and to receive the documents of the Conference. The Conference may also invite them to submit, in writing, their views and comments on questions within their competence, which may be circulated as conference documents.

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[2] It is understood that any such decision will be in accordance with the practice of the General Assembly.

[3] Pursuant to General Assembly resolutions 3237 (XXIX) of 22 November 1974, 3280 (XXIX) of 10 December 1974 and 31/152 of 20 December 1976.

4. Non-governmental organizations

Representatives of non-governmental organizations who attend meetings of the plenary or of the Main Committees will be entitled upon request to receive the documents of the Conference.

Appendix

(to rule 12)

Schedule for the division of costs[4]

1. The attached schedule shows the allocation of costs between States based on the participation of States in the first, second or third sessions of the Preparatory Committee.

2. The schedule for the actual division of costs will be subject to review in the light of participation of States in the Conference, except that the shares designated in the schedule with an asterisk will remain as shown in the schedule. The balance of costs will be divided among the other States Parties participating in the Conference in accordance with the United Nations assessment scale prorated to take into account differences between the United Nations membership and the number of States Parties participating in the Conference. For States Parties that are not members of the United Nations, the share will be determined on the basis of the similarly prorated scale in force for determining their share in the activities in which they take part.

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[4] Based on the participation of States parties in the first and second sessions of the Preparatory Committee. A revised schedule reflecting the participation of States parties in all sessions of the Preparatory Committee, i.e., first, second and third sessions, will be issued at a later stage.

Schedule

Countries	*Share of estimated total costs (percentage)*
1. Albania	0.004
2. Algeria	0.055
3. Andorra	0.004
4. Argentina	0.698
5. Armenia	0.001
6. Australia	1.163
7. Austria	0.627
8. Azerbaijan	0.004
9. Bahamas	0.009
10. Bahrain	0.022
11. Bangladesh	0.007
12. Barbados	0.007
13. Belarus	0.013
14. Belgium	0.781
15. Belize	0.001
16. Bhutan	0.001
17. Bolivia	0.007
18. Bosnia and Herzegovina	0.002
19. Botswana	0.009
20. Brazil	1.112
21. Brunei Darussalam	0.025
22. Bulgaria	0.012
23. Burkina Faso	0.001
24. Cambodia	0.001
25. Cameroon	0.006
26. Canada	2.055
27. Central African Republic	0.001
28. Chile	0.163
29. China	0.910*
30. Colombia	0.113
31. Congo	0.001
32. Costa Rica	0.022
33. Côte d'Ivoire	0.007
34. Croatia	0.027
35. Cuba	0.031
36. Cyprus	0.028
37. Czech Republic	0.134
38. Denmark	0.524

Countries		*Share of estimated total costs (percentage)*
39.	Djibouti	0.001
40.	Dominican Republic	0.025
41.	Ecuador	0.014
42.	Egypt	0.088
43.	El Salvador	0.016
44.	Equatorial Guinea	0.001
45.	Estonia	0.009
46.	Ethiopia	0.003
47.	Fiji	0.003
48.	Finland	0.389
49.	France	7.140*
50.	Georgia	0.002
51.	Germany	6.327
52.	Ghana	0.003
53.	Greece	0.387
54.	Guatemala	0.022
55.	Guyana	0.001
56.	Haiti	0.002
57.	Holy See	0.001
58.	Hungary	0.092
59.	Iceland	0.025
60.	Indonesia	0.104
61.	Iran (Islamic Republic of)	0.115
62.	Iraq	0.012
63.	Ireland	0.256
64.	Italy	3.568
65.	Jamaica	0.006
66.	Japan	14.220
67.	Jordan	0.008
68.	Kazakhstan	0.018
69.	Kenya	0.007
70.	Kuwait	0.118
71.	Kyrgyzstan	0.001
72.	Lao People's Democratic Republic	0.001
73.	Latvia	0.011
74.	Lebanon	0.018
75.	Lesotho	0.001
76.	Libyan Arab Jamahiriya	0.096
77.	Liechtenstein	0.004
78.	Lithuania	0.018

Countries	*Share of estimated total costs (percentage)*
79. Luxembourg	0.056
80. Madagascar	0.002
81. Malawi	0.001
82. Malaysia	0.148
83. Malta	0.010
84. Mauritania	0.001
85. Mauritius	0.008
86. Mexico	1.375
87. Micronesia (Federated States of)	0.001
88. Monaco	0.002
89. Mongolia	0.001
90. Morocco	0.034
91. Mozambique	0.001
92. Myanmar	0.007
93. Nauru	0.001
94. Nepal	0.003
95. Netherlands	1.234
96. New Zealand	0.161
97. Nicaragua	0.001
98. Niger	0.001
99. Nigeria	0.031
100. Norway	0.496
101. Oman	0.051
102. Peru	0.067
103. Philippines	0.069
104. Poland	0.337
105. Portugal	0.343
106. Qatar	0.047
107. Republic of Korea	1.312
108. Republic of Moldova	0.001
109. Romania	0.044
110. Russian Federation	8.000*
111. Samoa	0.001
112. Saudi Arabia	0.521
113. Senegal	0.004
114. Serbia and Montenegro	0.014
115. Sierra Leone	0.001
116. Singapore	0.283
117. Slovakia	0.037
118. Slovenia	0.060

Countries	*Share of estimated total costs (percentage)*
119. Solomon Islands	0.001
120. South Africa	0.213
121. Spain	1.841
122. Sri Lanka	0.012
123. Sudan	0.006
124. Sweden	0.729
125. Switzerland	0.874
126. Syrian Arab Republic	0.028
127. Thailand	0.153
128. The former Yugoslav Republic of Macedonia	0.004
129. Togo	0.001
130. Tonga	0.001
131. Tunisia	0.023
132. Turkey	0.272
133. Uganda	0.004
134. Ukraine	0.028
135. United Arab Emirates	0.172
136. United Kingdom of Great Britain and Northern Ireland	6.130*
137. United Republic of Tanzania	0.004
138. United States of America	32.820*
139. Uruguay	0.035
140. Uzbekistan	0.010
141. Venezuela	0.125
142. Viet Nam	0.015
143. Yemen	0.004
144. Zambia	0.002
145. Zimbabwe	0.005

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* In accordance with rule 12 of rules of procedure, these shares remain unchanged.

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2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

12 April 2005

Original: English

New York, 2-27 May 2005

Outcomes statement of the Asia-Pacific Nuclear Safeguards and Security Conference held in Sydney, Australia, on 8 November 2004

Report submitted by Australia

Ministers or their representatives participating in the conference were from Australia, Brunei Darussalam, Cambodia, Canada, China, Fiji, Indonesia, Japan, the Republic of Korea, the Lao People's Democratic Republic, Malaysia, New Zealand, Papua New Guinea, the Philippines, Singapore, Thailand, the United States of America and Viet Nam. Also attending the conference were representatives of France, Myanmar, the Russian Federation, Timor-Leste, the United Kingdom of Great Britain and Northern Ireland, the International Atomic Energy Agency and the Pacific Islands Forum Secretariat.

The meeting recognized that a strong nuclear safeguards and security framework was essential to realizing the benefits of the peaceful use of nuclear energy. It noted that effective nuclear safeguards and security measures were vital not only for countries with nuclear power programmes or research reactors, but also for those where radioactive materials are used for medical, industrial and scientific purposes.

The meeting identified two types of threat to nuclear security: the proliferation of nuclear weapons among States, and the potential for terrorist acts involving nuclear facilities and nuclear and radioactive materials. It noted that terrorist groups were known to be interested in acquiring weapons of mass destruction and that nuclear and radiological terrorism posed potentially grave consequences for public health, the environment, economic prosperity, and public confidence. The meeting recognized that nuclear non-proliferation, nuclear disarmament and the peaceful uses of nuclear technology were closely interrelated.

The meeting agreed that participants would work together in a sustained and comprehensive effort to expand and enhance the nuclear safeguards and security framework. It identified the following priorities:

- **Implementing globally the strengthened safeguards system of the International Atomic Energy Agency** as the current safeguards standard under the Treaty on the Non-Proliferation of Nuclear Weapons. The meeting took note of offers of assistance with the conclusion and implementation of the Additional Protocol.

- **Strengthening the protection of nuclear materials and facilities**. The meeting supported early finalization of work to strengthen the Convention on the Physical Protection of Nuclear Material. It encouraged wide adherence to that Convention and the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, the Convention on Nuclear Safety and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management and other relevant international instruments and regulations.

- **Ensuring the effective control and protection of radioactive sources, consistent with their safe use**. The meeting encouraged early adherence to the guidelines in the IAEA Code of Conduct on the Safety and Security of Radioactive Sources. It welcomed the Australian Nuclear Science and Technology Organisation's regional outreach and assistance programme on the security of radioactive sources, and the IAEA Model Project to Upgrade National Radiation Protection Infrastructures.

- **Implementing effective domestic controls on nuclear and radioactive materials and relevant equipment and technology, including export controls**. The meeting considered that effective domestic controls on sensitive materials, equipment and technology, including trans-shipment and transit measures, were all the more essential in the light of known terrorist interest in acquiring weapons of mass destruction. In this regard, the meeting encouraged action on a harmonized basis in accordance with the IAEA Guidance on the Import and Export of Radioactive Sources, and recognized the importance of the provisions of the Additional Protocol related to the export and import of nuclear equipment. It welcomed the assistance provided by regional Governments, notably Japan, Australia and the United States, on strengthening of export controls and State systems of nuclear material accountancy and control.

- **Ensuring effective national nuclear security capability, including technical capacity for the detection of illicit trafficking of nuclear and radioactive materials and relevant equipment and technology**. The meeting noted the importance of regional and international cooperation on preventing illicit trafficking, including enhanced information-sharing and technical assistance. It recognized the value of cooperation with relevant international bodies and with other countries in strengthening their respective national institutions where necessary.

- **Early and comprehensive implementation of Security Council resolution 1540 (2004)**. The meeting welcomed Security Council resolution 1540 (2004) as an important step in combating the proliferation of weapons of mass destruction, in particular to non-State actors, and thus reducing the risk of nuclear and radiological terrorism. It noted the importance of providing international assistance to States lacking the legal and regulatory infrastructure, implementation experience and/or resources to fulfil the resolution's requirements. The meeting acknowledged the call in resolution 1540 (2004) for States "… in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear ... weapons, their means of delivery, and related materials". The meeting also noted the need for the Security Council Committee established pursuant to resolution 1540 (2004), the Counter-Terrorism Committee and IAEA to strengthen cooperation in order to bring their respective expertise into full play in a coordinated approach.

- **Making effective use of the extensive IAEA assistance available in relation to the security of nuclear and radioactive materials**. While noting that responsibility in this area rests entirely with States, the meeting acknowledged the important contribution of IAEA in assisting States in meeting appropriate safety and security standards.

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2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament

Report submitted by Switzerland

In accordance with paragraph 15, subparagraph 12 of the chapter concerning article VI in the Final Document of the 2000 Review Conference, the Swiss Government is reporting on the measures that it has taken to implement article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament.

Switzerland supports all multilateral efforts in the areas of disarmament, arms control and non-proliferation which aim to achieve specific and verifiable results. It is in favour of the total elimination of all weapons of mass destruction. In the nuclear arena, it fully observes the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons and supports the strengthened treaty review process.

Support for United Nations efforts in the areas of disarmament and nuclear non-proliferation

At the fifty-ninth session of the United Nations General Assembly, Switzerland co-sponsored several resolutions on nuclear disarmament:

- Resolution 59/76 (Japan): A path to the total elimination of nuclear weapons;
- Resolution 59/81 (Canada): The Conference on Disarmament decision ... to establish ... an ad hoc committee to negotiate ... a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices;
- Resolution 59/109 (New Zealand): Comprehensive Nuclear-Test-Ban Treaty.

In addition, Switzerland supported several other resolutions on nuclear disarmament, including:

- Resolution 59/63 (Egypt, Arab League): Establishment of a nuclear-weapon-free zone in the region of the Middle East;
- Resolution 59/65 (Sri Lanka, Egypt): Prevention of an arms race in outer space;
- Resolution 59/73 (Mongolia): Mongolia's international security and nuclear-weapon-free status;
- Resolution 59/85 (Brazil, New Zealand): Nuclear-weapon-free southern hemisphere and adjacent areas;
- Resolution 59/80 (India): Measures to prevent terrorists from acquiring weapons of mass destruction;
- Resolution 59/75 (Sweden, New Agenda Coalition (NAC)): Accelerating the implementation of nuclear disarmament commitments;
- Decision 59/513 (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan): Establishment of a nuclear-weapon-free zone in Central Asia;
- Resolution 59/106 (Egypt, Arab League): The risk of nuclear proliferation in the Middle East;
- Resolution 59/94 (United States, Russian Federation): Bilateral strategic nuclear arms reductions and the new strategic framework.

Switzerland has submitted a report pursuant to United Nations Security Council resolution 1540 (2004).

Switzerland took part in the preparation of the agenda of the United Nations Disarmament Commission.

Support for other multilateral efforts in the areas of disarmament and nuclear non-proliferation

Switzerland is taking an active part in the preparations for the Diplomatic Conference to Amend the Convention on the Physical Protection of Nuclear Material.

Within the framework of the Nuclear Suppliers Group, Switzerland participates actively in discussions aimed at improving the regime's efficiency.

Efforts made at the diplomatic level to facilitate the entry into force of the Comprehensive Nuclear-Test-Ban Treaty

Switzerland signed the Comprehensive Nuclear-Test-Ban Treaty in 1996 and ratified it in 1999. It is included in the list of 44 States whose ratification is required for the entry into force of this Treaty.

Switzerland takes an active part in the various diplomatic meetings designed to ensure that the Treaty enters into force as soon as possible and has made a seismic station available to the International Monitoring System.

Activities preparatory to the start of the negotiations on a fissile material cut-off treaty

On several occasions, Switzerland has recalled that, in accordance with the mandate of 23 March 1995, the Conference on Disarmament should start negotiations as soon as possible on a treaty halting the production of fissile material for military purposes.

At the fifty-ninth session of the United Nations General Assembly, Switzerland co-sponsored resolution 59/81 (Canada) on the preparation of a treaty halting the production of fissile material for military purposes.

Unilateral activities designed to contribute to nuclear non-proliferation

On 1 February 2005, Switzerland informed the International Atomic Energy Agency (IAEA) in Vienna that it had complied with the legal and constitutional requirements for the entry into force of the Additional Protocol to its Safeguards Agreement with the Agency.

On 7-9 February 2005, in the spirit of the Group of Eight's Global Partnership, Switzerland organized a conference designed to facilitate the participation of interested States in the decommissioning of the Russian Federation's three remaining plutonium-producing nuclear reactors.

Through close cooperation with IAEA and other States parties to the Treaty on the Non-Proliferation of Nuclear Weapons or members of the Agency, Switzerland is actively combating the illegal trade in nuclear technology.

NPT/CONF.2005/4

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Implementation of article VI

Report submitted by the Islamic Republic of Iran

This report is prepared in accordance with subparagraph 12 of paragraph 15 of the section of the Final Document of the 2000 Review Conference concerning article VI of the Treaty, and deals with measures that have been taken by the Islamic Republic of Iran to implement article VI and paragraph 4 (c) of the 1995 decision on "Principles and Objectives for Non-Proliferation and Disarmament".

1. The Islamic Republic of Iran believes that reporting, as envisaged in step 12 of the 13 practical steps, provides an essential element to ascertain the implementation of obligations assumed under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons. The Islamic Republic of Iran is of the view that the objectivity of our analysis on the progress towards the goal of nuclear disarmament would be best served through adoption of a format properly defining categories of information required within the review strengthening process.

2. One of the important elements of the step 12 is that the 2000 Review Conference recalled the advisory opinion of the International Court of Justice of 8 July 1996 in conjunction with the implementation of article VI of the Treaty. As the Court stipulated in its advisory opinion in 1996 "there exists an obligation to pursue, in good faith, and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control". The Islamic Republic of Iran, therefore, believes that, while reporting on the implementation of article VI of the Treaty is important, it shall not substitute the fulfilment of the obligation of nuclear disarmament under article VI. Thirty-five years after the entry into force of the Treaty on the Non-Proliferation of Nuclear Weapons, the obligations under article VI have yet to be fulfilled.

I. Iran's approach towards the Non-Proliferation Treaty

3. Iran signed the Treaty on the Non-Proliferation of Nuclear Weapons in 1969 and ratified it in February 1970. In June 1973, in accordance with paragraph 1 of article III of the Treaty, Iran concluded a Comprehensive Safeguards Agreement with the International Atomic Energy Agency. Ratifying the Treaty on the Non-

Proliferation of Nuclear Weapons before its entry into force and early conclusion of the Safeguards Agreement, as well as signing the Additional Protocol, clearly demonstrates our long-standing support and commitment as a non-nuclear-weapon State to this fundamental instrument. During the past three decades, Iran has done its utmost to achieve the objectives and purposes of the Treaty. In 1974, Iran was the first country in the Middle East region that initiated the idea of the establishment of a nuclear-weapon-free zone, which was followed by the resolutions of the United Nations General Assembly. In 1995, the Islamic Republic of Iran actively participated in the Review and Extension Conference and joined others in supporting the indefinite extension of the Treaty, with the hope that the agreed package would pave the way for the early elimination of nuclear weapons.

4. The Islamic Republic of Iran has fulfilled its obligations under all provisions of the Treaty. Iran's position to denounce the nuclear option, as a matter of principle, and place its peaceful nuclear facilities under the full scope-safeguards agreement is a clear manifestation of our commitment to a strong Treaty on the Non-Proliferation of Nuclear Weapons. Iran considers the acquiring, development and use of nuclear weapons inhuman, immoral, illegal and against its very basic principles. They have no place in Iran's defence doctrine, not only because of our commitment to our contractual obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, but in fact because of a sober strategic calculation. They do not add to Iran's security nor do they help rid the Middle East of weapons of mass destruction, which is in Iran's supreme interests.

5. The Islamic Republic of Iran believes that all provisions of the Treaty on the Non-Proliferation of Nuclear Weapons are of equal importance. Maintaining the balance of the "rights and obligations" enshrined in the Treaty preserves its integrity, enhances its credibility and encourages the Treaty's universality and full implementation.

6. In accordance with the Final Document of the 2000 Review Conference, nuclear-weapon States made an unequivocal undertaking to accomplish the total elimination of their nuclear arsenals. The 13 practical steps for the systematic and progressive implementation of article VI of the Treaty, as agreed in the 2000 Review Conference, should be vigorously pursued by nuclear-weapon States. Therefore, no action shall be made by any State, in particular nuclear-weapon States, in contravention of those obligations. Regrettably, the new nuclear doctrine of the United States, through development of new types of nuclear weapons and setting rationales for the possible use of nuclear weapons against non-nuclear-weapon States and naming non-nuclear-weapon States as the targets of such new inhuman weapons is a flagrant violation of international law, obligations under article VI of the Treaty and the 1995 Decision on Principles and Objectives, as well as the commitments made by the nuclear-weapon States in the 2000 Review Conference. Furthermore, by continuing the deployment of hundreds of nuclear weapons in other countries and training the air forces of those countries to deliver those weapons in the framework of military alliances, the United States is still in violation of its obligations under article I of the Treaty, which stipulates that "Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons …".

II. Measures taken to implement article VI

7. The Islamic Republic of Iran has actively participated in international efforts to promote nuclear disarmament and non-proliferation. Initiatives taken towards this noble goal have always enjoyed our full support. In this regard, the Islamic Republic of Iran voted in favour of General Assembly resolutions such as resolution 59/102 entitled "Convention on the Prohibition of the Use of Nuclear Weapons", resolution 59/63, "Establishment of a nuclear-weapon-free zone in the region of Middle East", resolution 59/64, "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons", resolution 59/75, "Accelerating the implementation of nuclear disarmament commitments", resolution 59/77, "Nuclear disarmament", resolution 59/79, "Reducing nuclear danger", resolution 59/81, "Fissile Material Cut-off Treaty", resolution 59/106, "The risk of nuclear proliferation in the Middle East" and resolution 59/109, "Comprehensive Nuclear-Test-Ban Treaty" and other relevant resolutions adopted in the United Nations and other international forums.

8. In line with other members of the Non-Aligned Movement, the Islamic Republic of Iran has, in various forums including the International Court of Justice, made its position clear that the use or threat of use of nuclear weapons is contrary to international law and is therefore illegal. The Islamic Republic of Iran has continuously supported the resolution adopted annually since 1999 entitled "Follow-up to the advisory opinion of the International Court of Justice on the question of the legality of the threat or use of nuclear weapons".

9. Iran considers the early establishment of a subsidiary body in the Conference on Disarmament, with a mandate to start negotiations on a phased programme for the complete elimination of nuclear weapons within a specified time limit, including a nuclear weapons convention, to be a concrete step relating to the materialization of nuclear disarmament.

10. The Islamic Republic of Iran played a prominent role during the negotiations on the Comprehensive Nuclear-Test-Ban Treaty, hoping that the conclusion of the Treaty would prevent the qualitative as well as quantitative development of nuclear weapons. The Islamic Republic of Iran as a signatory of the Treaty is an active member of the Preparatory Commission and hosts five International Monitoring System stations. The 2000 Conference to review the Treaty on the Non-Proliferation of Nuclear Weapons agreed among 13 practical steps to a moratorium on nuclear-weapon-test explosions pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty. In this context, the Islamic Republic of Iran expresses its serious concern that the United States decided to accelerate "testing readiness" to enable it to reduce the time needed for resuming underground nuclear tests to 18 months. This will clearly put into question the United States commitment to the continuation of its already declared testing moratorium.

11. In addition to the Comprehensive Safeguards Agreement and the Subsidiary Arrangements concluded with the IAEA, the Islamic Republic of Iran signed the Additional Protocol to its Comprehensive Safeguards Agreement on 18 December 2003 and is provisionally implementing it. We regard this as another confidence-building measure to reaffirm our commitment to the Treaty on the Non-Proliferation of Nuclear Weapons. All these measures have been taken in a situation where negligence with regard to the unsafe-guarded facilities and the nuclear weapons

programme of Israel, which enjoys the tacit support of the United States, continues to threaten regional and international peace and security.

12. Owing to the significant role that the establishment of nuclear-weapon-free zones plays in achieving a world entirely free from nuclear weapons, in 1974 Iran initiated the resolution for the establishment of a nuclear-weapon-free zone in the Middle East. Since 1980, this resolution has been adopted annually by consensus in the General Assembly. However, Israel, confident of the political and military support of the United States and through its persistent rejection of accession to any international disarmament instrument, and in particular the Treaty on the Non-Proliferation of Nuclear Weapons, remains the main obstacle to the establishment of such a zone.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Establishment of a nuclear-weapon-free zone in the Middle East

Report submitted by the Islamic Republic of Iran

In accordance with subparagraph 7 of paragraph 16 (regional issues) of the section of the Final Document of the 2000 Review Conference concerning article VII of the Treaty, which deals with steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 Resolution on the Middle East, the Islamic Republic of Iran reports the following:

1. Iran first initiated the idea of the establishment of a nuclear-weapon-free zone as an important disarmament measure in the region of the Middle East in 1974, followed by the resolution of the United Nations General Assembly. Since 1980, the General Assembly of the United Nations has annually adopted, by consensus, a resolution on this issue. Continuous adoption of this resolution at the General Assembly is the manifestation of the global support for the promotion of peace, security and stability in the Middle East through the realization of a nuclear-weapon-free zone in the region.

2. As a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, the Islamic Republic of Iran is fully committed to its international undertakings and believes that this international instrument is the cornerstone of nuclear disarmament and non-proliferation. Universal adherence to this Treaty, in particular in the region of the Middle East, would effectively ensure the establishment of a nuclear-weapon-free zone in the region. At present, Israel is the only non-party to the Treaty on the Non-Proliferation of Nuclear Weapons in the region. Despite repeated calls by the international community demonstrated in the Resolution on the Middle East, adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, related resolutions of the General Assembly as well as of the IAEA and the Organization of the Islamic Conference (OIC), Israel, confident of the political and military support of the United States, has neither acceded to the Treaty on the Non-Proliferation of Nuclear Weapons, nor placed its unwarranted nuclear facilities under IAEA full-scope safeguards. Israel has not even declared its intention to accede to the Treaty. Israel's clandestine nuclear activities, with the support of the United States, seriously threaten both regional peace and security and endanger the non-proliferation regime.

3. The 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons reaffirmed the importance of the 1995 Resolution on the Middle East. Owing to the significant provisions of this resolution, the Islamic Republic of Iran and other States in the region truly expect that this resolution will be swiftly implemented, especially by its sponsors, the Russian Federation, the United States of America and the United Kingdom of Great Britain and Northern Ireland, as depositories of the Treaty on the Non-Proliferation of Nuclear Weapons.

4. Unconditional adherence by Israel to the Treaty on the Non-Proliferation of Nuclear Weapons and conclusion of a full-scope safeguard agreement with the IAEA would, undoubtedly, lead to the early realization of a nuclear-weapon-free zone in the Middle East. Neglecting the commitments undertaken by States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, with the adoption of this important resolution can only embolden Israel to continue to remain a source of threat and instability in the Middle East by flouting the wishes of the international community and remaining outside of the fold of the Treaty on the Non-Proliferation of Nuclear Weapons and the full-scope safeguards regime. In this context, we believe that national reports that do not address the negative implications of Israel's intransigence to join the Treaty on the Non-Proliferation of Nuclear Weapons, like the one presented by Australia in the third session of the Preparatory Committee (NPT/CONF.2005/PC.III/8), are not as effective as they ought to be with regard to the 1995 Resolution on the Middle East.

5. In implementing its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, and specifically articles II and III of the Treaty, the Islamic Republic of Iran states that all its nuclear facilities are devoted to peaceful purposes and are under the full-scope safeguards of the IAEA. Furthermore, to contribute to the realization of a world free from weapons of mass destruction, particularly in the Middle East, Iran has signed the Comprehensive Test Ban Treaty and the Additional Protocol to its Comprehensive Safeguards Agreement with the IAEA. It has also ratified the Chemical Weapons Convention, Biological Weapons Convention and the 1925 Geneva Protocol. Iran's high record of accession, among the Middle East countries, to the non-proliferation and disarmament instruments is not only a clear manifestation of our firm commitment to the cause of disarmament and non-proliferation, but is also evidence of our dedicated efforts towards the noble goal of a nuclear-weapon-free zone in the Middle East.

6. The Islamic Republic of Iran, in its bilateral and multilateral disarmament dialogues with other States parties to the Treaty, in particular with some nuclear-weapon States and members of the European Union, as well as in the joint statement of 21 October 2003 issued by Iran and the Foreign Ministers of France, Germany and the United Kingdom, has always urged their active contribution towards the establishment of a nuclear-weapon-free zone in the region of the Middle East.

7. The Islamic Republic of Iran is of the firm belief that an agreed plan of action and timetable for the universality of the Treaty on the Non-Proliferation of Nuclear Weapons, especially in the Middle East, should be a top priority on the agenda of all parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in particular nuclear-weapon States. There should be greater pressure on Israel to accede to the Treaty on the Non-Proliferation of Nuclear Weapons, promptly and without conditions, and to place all of its nuclear facilities under the IAEA full-scope

safeguards to pave the way for the long-sought goal of the establishment of a nuclear-weapon-free zone in the Middle East.

8. The Islamic Republic of Iran is of the opinion that, pending the realization of a nuclear-weapon-free zone in the region, no country of the region should develop, produce, test or otherwise acquire nuclear weapons or permit the stationing, on their territories or on territories under their control, of nuclear weapons or nuclear explosive devices, and they should refrain from action that runs counter to both the letter and the spirit of the Treaty on the Non-Proliferation of Nuclear Weapons and other international resolutions and documents relating to the establishment of a nuclear-weapon-free zone in the Middle East.

9. The Islamic Republic of Iran believes that the Conferences to review the Treaty on the Non-Proliferation of Nuclear Weapons have a significant role in the realization of a nuclear-weapon-free zone in the Middle East. The Review Conference of 2005 should establish a subsidiary body under Main Committee II to consider this issue and make concrete recommendations on urgent and practical steps for the implementation of the 1995 Resolution on the Middle East adopted by the 1995 Review and Extension Conference, as well as the Final Document of the 2000 Review Conference.

NPT/CONF.2005/6

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 Resolution on the Middle East

Report submitted by Canada

1. At the fifty-ninth session of the General Assembly, Canada supported a resolution calling for the establishment of a nuclear-weapon-free zone in the Middle East. Canada also voted in favour of the resolution entitled "The risk of nuclear proliferation in the Middle East". At the United Nations, Canada has called for full adherence and compliance with the Treaty on the Non-Proliferation of Nuclear Weapons by States parties in the region, and has urged the four[1] States in the region that have not signed or ratified comprehensive safeguards agreements with the International Atomic Energy Agency (IAEA) to do so as soon as possible. Canada actively supported the adoption of a resolution on the application of safeguards in the Middle East by the IAEA General Conference in September 2004. Canada has appealed to all States in the region to contribute further to regional stability and security by concluding Additional Protocols to their respective safeguards agreements, thereby demonstrating greater openness and transparency. Canada fully supports efforts by the IAEA to convene, as soon as possible, a forum on the application of safeguards, in which countries from the Middle East and other interested parties could learn from the experience of other regions about comprehensive verification arrangements and other confidence-building measures that could contribute to the establishment of a nuclear-weapon-free zone.

2. Canada shares the serious international concerns about the scope and nature of Iran's nuclear programme. While Canada recognizes that Iran has a right to the use of nuclear energy for peaceful purposes, Iran has failed to provide any plausible justification for its efforts to acquire the full nuclear fuel cycle. In a speech to the Conference on Disarmament, delivered on 14 March 2005, Canada's Foreign Minister reaffirmed that Iran's extensive past undeclared nuclear activities, together with its efforts to acquire the full nuclear fuel cycle, have resulted in strong suspicions that Iran has nuclear weapons ambitions. He said that permanent cessation of Iran's uranium enrichment and other proliferation-sensitive activities is

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[1] Bahrain, Qatar, Saudi Arabia and Oman (signed on 28 June 2001 but not in force).

the only acceptable objective guarantee of the peaceful nature of Iran's nuclear programme. On 22 February 2005, Canada's Prime Minister said to a summit of NATO leaders that Iran must be encouraged to end its nuclear weapons programme. He expressed Canada's hope that the challenge could be addressed through dialogue and diplomacy, but emphasized that the international community must be prepared to stand behind its words with stronger measures if necessary. Iran's extensive past undeclared nuclear activities, which raise important questions about Iran's commitment to the Treaty on the Non-Proliferation of Nuclear Weapons, were clearly not in conformance with its safeguards obligations, a matter that Canada believes the IAEA should acknowledge and report to the Security Council as required by the Agency's statute. Canada has also encouraged Iran to ratify promptly the Additional Protocol and has actively supported IAEA safeguards activities in Iran.

3. Canada was deeply concerned by the revelation in late 2003 of Libya's nuclear weapon programme and other undeclared nuclear activities. Canada strongly supported the decision of the Libyan Government to end all nuclear weapons-related activities and the efforts of the IAEA to verify that important decision. That resoluteness to disarm in a transparent, irreversible and verifiable manner, together with Libya's commitment to accept enhanced inspections via the Additional Protocol and to respect fully all its disarmament obligations, were important steps reinforcing regional and international security.

4. When explaining its support for the resolution entitled "The risk of nuclear proliferation in the Middle East", Canada urged Israel, "in the crucial months leading up to the 2005 Review Conference, to take the necessary first steps to adhering to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State". This statement is in conformity with the Canadian Government's 1999 disarmament and non-proliferation policy statement, which called upon Israel to accede to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State, to separate its civilian and military fuel cycles and to place its civilian nuclear activities under IAEA safeguards. It also conforms with Security Council resolution 1540 (2004) on the non-proliferation of weapons of mass destruction, which calls on all States to promote the universal adoption and full implementation of multilateral treaties whose aim is to prevent the proliferation of nuclear, biological and chemical weapons.

NPT/CONF.2005/7

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons

Report submitted by Canada

Article I

1. Canada continues to call upon nuclear-weapon States not to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices. In this respect, Canada views reductions by the nuclear-weapon States of their nuclear weapons inventories and the diminishment of the political and military value ascribed to nuclear weapons as key to halting and discouraging further nuclear weapons proliferation. In his address to the United Nations General Assembly on 22 September 2004 the Prime Minister of Canada reaffirmed Canada's long-standing position that non-proliferation and disarmament remain fundamental pillars of the United Nations commitment to international peace and security.

2. The Prime Minister also highlighted Canadian concern about the proliferation of nuclear weapons to non-State actors, and reaffirmed Canada's long-standing commitment to strengthened international efforts to ensure that weapons of mass destruction do not spread to States or terrorists prepared to use them under any circumstances. Canada is an active participant in the Proliferation Security Initiative, which seeks to establish a more effective basis for impeding and stopping shipments of, inter alia, nuclear weapons material and technology flowing illegally to and from States and non-State actors, consistent with national legal authorities and international law. Canada hosts a Proliferation Security Initiative website www.proliferationsecurity.info, and in April 2004, hosted a working group meeting for Proliferation Security Initiative operational experts.

Article II

3. Canada continues to abide by its Treaty on the Non-Proliferation of Nuclear Weapons commitment not to receive the transfer of, receive control over, manufacture or acquire nuclear weapons or a nuclear explosive capability. This

commitment is implemented domestically through Canada's Nuclear Safety and Control Act of 2000 and corresponding regulations.

4. Canada also calls on other non-nuclear-weapon States not to receive the transfer of, receive control over, acquire or seek to receive any assistance in the manufacture of nuclear weapons or explosive devices. On 22 February 2005, Canada's Prime Minister said to a summit of North Atlantic Treaty Organization (NATO) leaders that Iran must be encouraged to end its nuclear weapons programme. He expressed Canada's hope that the challenge could be addressed through dialogue and diplomacy, but emphasized that we must be prepared to stand behind our words with stronger measures if necessary. In a speech to the Conference on Disarmament delivered on 14 March 2005, Canada's Foreign Minister reaffirmed that Iran's extensive past undeclared nuclear activities, together with its efforts to acquire the full nuclear fuel cycle, have resulted in strong suspicions that Iran has nuclear weapons ambitions. He said that permanent cessation of Iran's uranium enrichment and other proliferation sensitive activities is the only acceptable objective guarantee of the peaceful nature of Iran's nuclear programme.

Article III

5. Pursuant to Article III, Canada has in place a comprehensive safeguards agreement with the International Atomic Energy Agency (IAEA) for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons. The IAEA has provided annually a positive conclusion concerning the non-diversion of declared nuclear material in Canada pursuant to this agreement. In support of IAEA efforts to strengthen safeguards, Canada concluded a Protocol additional to its safeguards agreement, which entered into force on 8 September 2000. Canada continues to cooperate with the IAEA with regard to the Protocol's implementation. During the last year, efforts have concentrated on: addressing questions and inconsistencies identified by the IAEA; facilitating complementary access under the Protocol; reviewing existing procedures and establishing new procedures with industry and with the Agency to ensure effective implementation of safeguards commitments; updating safeguards equipment at Canadian facilities and preparing for the establishment of remote monitoring capabilities; developing and testing a new approach for transfers of spent fuel to dry storage at multi-unit Canadian deuterium-uranium reactor stations; ensuring that safeguards implementation at our uranium conversion facilities is consistent with the new Agency requirements; and preparing for the transition to integrated safeguards. With respect to the latter, Canada anticipates that the IAEA will soon be in a position to provide credible assurance of the absence of undeclared nuclear material and activities in Canada, a necessary condition for the transition to integrated safeguards. In addition, through the Canadian Safeguards Support Programme Canada contributed to the development of advanced safeguards equipment and techniques aimed at strengthening the effectiveness and efficiency of Agency's safeguards. This effort resulted in a contribution of approximately Can $1.8m over the last year. At the IAEA and at the United Nations General Assembly, Canada has urged States that have yet to bring into force comprehensive safeguards agreements and protocols additional to their safeguards agreements to do so as soon as possible.

6. Consonant with its obligation not to provide source or special fissionable material, or equipment or material especially designed or prepared for the

processing, use or production of special fissionable material to any non-nuclear-weapon State for peaceful purposes unless the source or special fissionable material is subject to IAEA safeguards, and with decision 2, paragraph 12, of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Canada will only authorize nuclear cooperation with those non-nuclear-weapon States that have made an internationally legally binding commitment not to acquire nuclear weapons or other nuclear explosive devices, have accepted IAEA safeguards on the full scope of their nuclear activities, and have accepted, through a bilateral nuclear cooperation agreement with Canada, a number of additional measures designed to ensure that nuclear items supplied by Canada do not contribute to the proliferation of nuclear weapons. This policy has been in place since 1976. Canada maintains a national system for controlling the export of all items especially designed or prepared for nuclear use and certain nuclear-related dual-use items, including, with respect to the specific requirements of article III, paragraph 2, of the Treaty, source or special fissionable material and equipment or material especially designed or prepared for the processing, use or production of special fissionable material. Canada's export control legislation includes a catch-all provision. Canada's national system is consistent with the lists of those multilateral nuclear export control mechanisms in which it participates. All these measures serve to facilitate peaceful nuclear commerce and international cooperation without contributing to proliferation.

7. In response to the threat posed to the integrity of the nuclear non-proliferation regime, Canada continues to cooperate actively with other like-minded States in a variety of international forums to develop new measures aimed at further strengthening the regime, particularly with regard to the transfer of sensitive technologies associated with the production of special fissionable material suitable for nuclear weapons purposes, and the suspension of nuclear cooperation in cases of non-compliance with nuclear non-proliferation commitments.

Article IV

8. Canada strongly supports the peaceful uses of nuclear energy. Canada maintains a robust nuclear power programme. It is the world's largest exporter of uranium, and is a world leader in the production of radioisotopes for medical and industrial applications. Canada believes that nuclear energy can make an important contribution to prosperity and sustainable development, while also addressing concerns about climate change, for those countries that choose to use nuclear energy, and to this end has nuclear cooperation agreements in force covering 42 States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, both developed and developing, to provide a framework for the fullest possible exchange of nuclear and other material, equipment and technology. Since the last meeting of the Preparatory Committee, Canada has participated in policy and technical consultations on implementation of nuclear cooperation agreements with seven of its bilateral partners. Canada supports the IAEA Technical Cooperation programme, and for several years has met or exceeded the rate of attainment for voluntary contributions to the IAEA Technical Cooperation Fund.

9. In view of the inherent relationship between States' inalienable rights to the peaceful uses of nuclear energy, and the obligations contained elsewhere in the Treaty, cooperation by Canada with other countries in the peaceful uses of nuclear

energy takes fully into account the non-proliferation credentials of the recipient country. Canada is committed to working with other States and relevant international organizations on new arrangements for the supply of nuclear items, consonant with the balance of rights and obligations agreed to in the Treaty and in particular in articles II, III and IV. In this regard, a Canadian expert participated in the recent IAEA ad hoc experts group studying new multilateral nuclear fuel cycle initiatives.

Article V

10. The Final Document of the 2000 Review Conference affirms that provisions of article V are to be interpreted in the light of the Comprehensive Nuclear-Test-Ban Treaty (CTBT). Canada signed that Treaty on 24 September 1996, when it opened for signature, and deposited its instrument of ratification on 18 December 1998. Canada was the first State signatory to that Treaty to sign a facility agreement with the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organization on 19 October 1998. Consistent with Canada's call on all States that have not yet done so to ratify the Comprehensive Nuclear-Test-Ban Treaty, particularly the States listed in Annex 2, Canada's Minister for Foreign Affairs wrote to all his counterparts in non-ratified States in advance of the third Article XIV Conference to Facilitate Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, held from 3 to 5 September 2003, urging their countries to sign and/or ratify the Treaty. Canada reiterated this message at the Conference.

11. In September 2002 and again in September 2004, Canada's Minister for Foreign Affairs signed a Joint Declaration that reiterated support for the Treaty and called for its early entry into force. In February 2004, Canada agreed to be included on a contact list of countries that will assist the Special Coordinator for Entry into Force in promoting activities at the regional level that promote entry into force of the Treaty. At the fifty-ninth session of the General Assembly, Canada co-sponsored the resolution on the Comprehensive Nuclear-Test-Ban Treaty, which called for the earliest possible entry into force of the Treaty and urged the maintenance of unilateral moratoriums on nuclear weapons test explosions until entry into force is achieved. Canada places a priority on the establishment of the Treaty's verification system and, as such, is a leader among member States in contributing resources, equipment and expertise to the development of the Treaty's International Monitoring System (IMS). Most recently, the radionuclide station in Resolute, Nunavut (RN15), was certified on 22 December 2004. Furthermore, at the August 2004 Noble Gas Workshop in Strassoldo, Italy, Canada played a lead role in building a consensus to continue an experiment to install additional noble gas detection equipment at 40 radionuclide stations and laboratories.

Article VI

12. In a speech to the Conference on Disarmament made on 14 March, Canada's Foreign Minister said that a reaffirmation of the goal of nuclear disarmament and a renewed commitment to achieving this goal should be a key conclusion of the 2005 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons. Canada continues to take very seriously the obligation of article VI and the commitments agreed upon in the 1995 Principles and Objectives and in the 13 steps

at the 2000 Review Conference. These have been at the forefront of a number of activities and statements.

Steps 1 and 2

13. Canada's action in support of the Comprehensive Nuclear-Test-Ban Treaty and the moratorium on nuclear testing is described above under article V implementation.

Steps 3 and 4

14. In his speech to the General Assembly, Canada's Prime Minister noted how the United Nations Conference on Disarmament has not been able to agree on a work plan since 1998, and called on the Conference to get back to productive work. In the First Committee, Canada tabled a resolution calling for negotiations within the Conference on Disarmament on a fissile material cut-off treaty. The adoption of that resolution by all but a handful of States signals strong international support for the negotiation of a multilateral and internationally and effectively verifiable treaty banning the production of fissile materials. Canada's Minister for Foreign Affairs reiterated the priority Canada attaches to early negotiation of such a Treaty in a speech to the Conference on Disarmament on 14 March. He also supported the establishment of a subsidiary body to deal with nuclear disarmament.

Step 5

15. At the fifty-ninth session of the General Assembly, Canada joined the consensus in support of the resolution entitled "Bilateral strategic arms reductions and the new strategic framework". Canada believes that codification, verifiability, transparency and irreversibility should apply to the reduction of nuclear arsenals and facilitates their elimination.

Step 6

16. Canada reiterated its call on nuclear-weapon States to securely reduce and dismantle their nuclear weapons arsenals in an irreversible and verifiable manner at the fifty-ninth session of the First Committee of the General Assembly. At that session, Canada voted in favour of the resolutions entitled "Accelerating the implementation of nuclear disarmament commitments" and "A path to the total elimination of nuclear weapons". Canada also called for a separate vote and voted in favour of paragraph 1 of the resolution entitled "Follow up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons", in order to support the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

17. Canada supports the reduced salience of nuclear weapons and the significant reduction of the North Atlantic Treaty Organization's nuclear forces that has taken place since the end of the cold war. As a member of NATO, Canada continues to advocate that the Alliance play a positive role in advancing disarmament objectives through a continuous step-by-step approach. In 2004, Canada actively contributed, during NATO discussions, to the updated basic fact sheets, "NATO's Position Regarding Nuclear Non-proliferation, Arms Control and Disarmament and Related

Issues" and "NATO's Nuclear Forces in the New Security Environment", which represent a contribution to transparency by NATO in the Treaty on the Non-Proliferation of Nuclear Weapons context.

Step 9

18. Canada's support for further reductions of non-strategic nuclear weapons as an important step towards the elimination of nuclear weapons was expressed by our vote in favour of the resolution entitled "Accelerating the implementation of nuclear disarmament commitments" at the fifty-ninth session of the General Assembly.

19. Under the scope of the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, Canada will contribute up to Can $1 billion over the next ten years to non-proliferation, disarmament and counter-terrorism cooperation projects in Russia and certain other newly independent States of the former Soviet Union. On nuclear-related projects, Canada is contributing $32 million to the European Bank for Reconstruction and Development's Northern Dimension Environmental Partnership to safely and securely manage spent nuclear fuel (including highly enriched uranium) from submarines in Northern Russia. Canada is contributing $24.4 million to dismantle 3 decommissioned nuclear-powered submarines, an initial step in a $120 million programme that aims to dismantle a total of 12 nuclear-powered submarines over four years. In addition, Canada has contributed $4 million to the International Atomic Energy Agency's Nuclear Security Fund to strengthen nuclear and radiological security throughout the Commonwealth of Independent States. As well, Canada is contributing $18 million per year to the International Science and Technology Centre in Moscow to fund various research projects and other programmes and activities and thereby redirect former weapons scientists towards sustainable peaceful employment opportunities.

Step 10

20. For the disposition of fissile materials, under the Global Partnership programme, Canada has pledged $65 million towards Russia's plutonium disposition programme, which will dispose of material for thousands of nuclear weapons. On 30 March 2005, Canada's Foreign Minister signed a memorandum of understanding with the United States Secretary of Energy to assist with the permanent closure of one of the last operating weapons-grade plutonium production reactors in Russia. Under this memorandum of understanding, Canada will contribute $9 million (US$ 7 million) to the United States Department of Energy's elimination of weapons-grade plutonium Production programme.

Step 11

21. At the fifty-ninth session of the General Assembly, Canada tabled a resolution entitled "Verification in all its aspects, including the role of the United Nations in the field of verification", which was adopted by consensus. This resolution calls for the establishment of a panel of experts in 2006 that will report to the General Assembly at its sixty-first session. In the interests of general and complete disarmament, Canada is also a State party to the Biological and Toxin Weapons Convention, the Chemical Weapons Convention, the Ottawa Convention banning anti-personnel mines, the Treaty on Conventional Forces in Europe, the Treaty on Open Skies, the Treaty on Certain Conventional Weapons and the Outer Space

Treaty. Canada has provided financial support to mine clearance and related activities in over 25 States, as well as to small arms and light weapons disarmament, demobilization and reintegration, collection and destruction in Latin America and the Caribbean, Europe, Africa and Asia.

Step 12

22. Since the 2000 Review Conference, Canada has submitted three working papers on how to carry forward the reporting commitment, with a view to a decision at the 2005 Review Conference to make annual reports a permanent feature of Treaty implementation efforts. Canada commends the nuclear-weapon States for the information they have provided to date, and would encourage them to submit information about their efforts and activities as an official report.

Step 13

23. In early 2005, the Ministry of Foreign Affairs of Canada submitted a major study on weapons of mass destruction verification and compliance to the Weapons of Mass Destruction Commission, which has been published as part of the Commission's series of papers and studies and is available at www.wmdcommission.org.

Article VII

24. Canada continues to underline the need to preserve and respect the negative security assurances provided by nuclear-weapon States to non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons. While not itself a member of a nuclear-weapon-free zone, Canada welcomes and encourages progress to develop and implement nuclear-weapon-free zone agreements consistent with international law and internationally agreed criteria. At the fifty-ninth session of the General Assembly, Canada supported resolutions calling for the establishment or consolidation of nuclear-weapon-free zones.

Article VIII

25. The indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons and accompanying decisions adopted in 1995 enshrined the concept of permanence with accountability. In accordance with the commitments arising from the Final Document of the 2000 Review Conference, Canada delivered at the third Preparatory Committee meeting of the 2005 review cycle its third report on its implementation of the Treaty. In addition, Canada presented another working paper proposing a number of ideas to carry the issue of reporting forward, building towards a decision at the 2005 Review Conference. With a view to reinforcing the authority and integrity of the Treaty, and ensuring the implementation of its obligations, Canada submitted to the third Preparatory Committee a working paper proposing ideas for overcoming the institutional deficit of the Treaty. Canada has encouraged States parties to explore these issues with the goal of a decision being reached at the 2005 Review Conference.

Article IX

26. Canada has consistently worked for the universalization of the Treaty on the Non-Proliferation of Nuclear Weapons. At the IAEA General Conference in September 2004, Canada reiterated its concern "that India, Israel and Pakistan continue to refuse to sign the Treaty as non-nuclear-weapons States. We urge them to do so unconditionally and without delay and to place their respective fuel cycles under the IAEA safeguards system". Canada views its position in this regard as conforming with Security Council resolution 1540 (2004) on the non-proliferation of weapons of mass destruction, which calls on all States to promote the universal adoption and full implementation of multilateral treaties whose aim is to prevent the proliferation of nuclear, biological and chemical weapons.

27. In 2004, at the fifty-ninth session of the General Assembly, Canada voted in favour of the resolution entitled "Risk of nuclear proliferation in the Middle East", which calls upon Israel to join the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State. Canada explained its vote as follows: "Canada urges Israel, in the crucial months leading up to the 2005 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons, to take the necessary first steps to adhering to the Treaty as a non-nuclear-weapon State. Canada further calls on all States in the Middle East region to comply fully with their Treaty obligations and, in this regard, urges all States in the region that have not yet done so, to sign and fully implement safeguards agreements with the IAEA." Canada views this vote as conforming to Security Council resolution 1540 (2004) on the non-proliferation of weapons of mass destruction, which calls on all States to promote the universal adoption and full implementation of multilateral treaties whose aim is to prevent the proliferation of nuclear, biological and chemical weapons.

Article X

28. Canada introduced a resolution on the Democratic People's Republic of Korea at the September 2004 IAEA General Conference, which was adopted by consensus and which sought to promote the resumption of that country's obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, including the implementation of its comprehensive safeguards agreement. At the Conference on Disarmament on 14 March 2005, Canada's Foreign Minister said the Democratic People's Republic of Korea recent assertion that it now possesses nuclear weapons, together with its reluctance to re-engage in the Six Party Talks, underlines the grave risk to regional and international peace and security posed by that country's nuclear programme.

29. Canada welcomed the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons, adopted without a vote in 1995. Negative security assurances provided in 1995 by the five nuclear-weapon States parties to the Treaty in Security Council resolution 984 (1995) furnished part of the basis for this indefinite extension, as paragraph 8 of the "Principles and Objectives for Nuclear Non-Proliferation and Disarmament".

Article XI

N/A

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

22 April 2005

Original: English

New York, 2-27 May 2005

Implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament"

Report submitted by Ukraine

2004 marked the 10th anniversary of Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

In 1990 in the Declaration on State Sovereignty Ukraine proclaimed its intention to keep to the three non-nuclear principles set out in article II of the Treaty on the Non-Proliferation of Nuclear Weapons — not to receive, manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices. Since that time Ukraine has consistently followed a course towards nuclear-weapon-free status. One of the first significant steps in this direction was the signature of the Lisbon Protocol to the Treaty on Strategic Offensive Arms (START I) (May 1992), according to which Ukraine assumed the obligations of the former Soviet Union under the aforementioned Treaty and pledged to accede to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State.

After Ukraine acceded to the Treaty on the Non-Proliferation of Nuclear Weapons on 5 December 1994 and the START I Treaty entered into force, Ukraine began practical implementation of its obligations under the mentioned treaties.

By 5 December 2001 Ukraine had eliminated all deployed strategic offensive arms, as required by the provisions of article II of the START I Treaty. These included:

- 130 silos for SS-19 intercontinental ballistic missiles (ICBMs) and 46 silos for SS-24 ICBMs with multiple independently targetable nuclear warheads (SS-19 and SS-24 were capable of carrying 6 and 10 warheads respectively);
- 44 heavy bombers (Tu-160 — 19 units, Tu-95MC — 25 units, each type equipped for 8 long-range nuclear air-launched cruise missiles.

From 1992 to 1996 all tactical nuclear warheads and more than 1,600 strategic nuclear warheads were transferred from Ukraine to the Russian Federation. By October 2001 all those warheads were eliminated at the relevant facilities of the Russian Federation under the monitoring of Ukrainian representatives.

Ukraine ensured reduction of both strategic and non-strategic nuclear weapons inherited from the former Soviet Union, having thus made an immeasurable contribution to the cause of practical nuclear disarmament.

As of today, Ukraine continues to carry out its START I obligations with regard to the non-deployed ICBMs. This process provides for completing a highly challenging task — disposition of the solid propellant from the SS-24 ICBM loaded motor cases.

Nowadays, there are 5,000 tons of the solid propellant contained in the 163 loaded motor cases of 54.5 SS-24 ICBMs at the Pavlograd Mechanical Plant and the Pavlograd Chemical Plant (Ukraine), which is to be disposed of in a safe and environmentally compliant manner.

Ukraine has embarked upon the construction of the propellant disposal facility at the Pavlograd Chemical Plant at the expense of its own State budget resources. However, the process of destroying enormous stocks of the solid propellant in Ukraine is a costly one. Therefore, despite Ukraine's efforts, it may not be able to complete the propellant disposal process by 5 December 2009 (START I expiration date), unless other States provide financial assistance to Ukraine.

NPT/CONF.2005/9

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

26 April 2005

Original: English

New York, 2-27 May 2005

Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons

Report submitted by Austria

Article I

1. Austria regards the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as the cornerstone of the global non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament. Thus, Austria continues to call upon nuclear-weapon States not to provide assistance or encouragement to States that may seek to acquire nuclear weapons or other nuclear devices.

Article II

2. Austria continues to abide by its commitment not to receive the transfer of, receive control over, manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices. This commitment is implemented by the 1999 constitutional law on a nuclear-free Austria and by corresponding laws and regulations.

Article III

A. Safeguards

3. Before Austria's accession to the European Union, the requirement of article III, paragraph 1, of the Treaty was fulfilled by the safeguards agreement of 1972 between Austria and the International Atomic Energy Agency (IAEA). Upon accession to the European Union in 1995, the safeguards agreement between the European Atomic Energy Community (EURATOM), the European Union non-nuclear weapon States and IAEA entered into force for Austria and the 1972 safeguards agreement was suspended.

4. Austria has always been actively engaged in the process of strengthening the IAEA safeguards system, to which it attaches utmost importance.

5. With regard to the additional protocol between EURATOM, the European Union non-nuclear-weapon States and IAEA, which was signed in September 1998,

Austria concluded all necessary steps on the national level for its entry into force in 2001. The additional protocols for the European Union member States entered into force simultaneously on 30 April 2003.

6. Austria is a member of the informal group "Friends of the Additional Protocol" convened by Japan, which is working actively towards the universalization of comprehensive safeguards agreements and additional protocols.

7. Austria considers the additional protocol to be an integral part of the IAEA's Treaty safeguards system and holds the legal position that the conclusion of an additional protocol is mandatory under article III of the Treaty.

8. Austria submitted its initial declaration under the additional protocol in October 2004 and a first yearly update in March 2005. A first complementary access visit took place in March 2005.

B. Export controls

9. Austria implements its obligation under article III, paragraph 2, of the Treaty not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by the article, by controlling its exports in accordance with European Union Council regulation 1334/2000, as amended.

10. Austria is a member of both the Zangger Committee and the Nuclear Suppliers Group. The Zangger Committee was chaired by Dr. Fritz W. Schmidt of Austria from 1993 until his unexpected death in February 2005. Under his chairmanship the Committee launched an outreach programme and set up a website (www.zanggercommittee.org) to enhance transparency and foster dialogue with non-members.

11. In Austria's view, an effective export control system facilitates cooperation for peaceful purposes in the nuclear field.

C. Physical protection

12. Austria attaches great importance to a high level of physical protection of nuclear material and nuclear facilities. It has actively participated in the open-ended group of legal and technical experts convened by the Director General of IAEA to prepare a well-defined amendment to the Convention on the Physical Protection of Nuclear Material. In September 2003, the Austrian Foreign Minister took the initiative of submitting an amendment proposal based on the outcome of the expert group to the Director General of the International Atomic Energy Agency with the request to convene a diplomatic conference for its adoption. This amendment proposal was submitted to the Director General of IAEA by Austria on behalf of 24 States parties in May 2004. Austria subsequently played a leading role in the consultations to convince the required half of all States parties to the Convention to support the convening of a diplomatic conference, which has now been scheduled for July 2005.

13. In Austria's view, physical protection is an integral part of the national nuclear security system and must be required as a condition for nuclear supplies.

Article IV

14. Following a referendum in 1978, Austria renounced the use of nuclear energy for power generation and does not operate nuclear power plants. In view of the high risks emanating from nuclear installations, Austria attaches utmost importance to international efforts to harmonize and steadily increase all aspects of nuclear safety. Austria is party to both the Convention on Nuclear Safety as well as the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management and has actively participated in the review conferences of these conventions.

Article V

15. The Final Document of the 2000 Review Conference affirms that the provisions of article V are to be interpreted in the light of the Comprehensive Nuclear-Test-Ban Treaty. Austria signed the Test-Ban Treaty on 24 September 1996, when it was opened for signature, and deposited its instrument of ratification on 13 March 1998. In advance of the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, held from 3 to 5 September 2003 in Vienna, the Foreign Ministers of Austria, Finland and Japan wrote to all their counterparts in all non-ratified States and urged them to sign and/or ratify the Treaty. Furthermore, Austria fully supports the work of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty organization and its provisional technical secretariat and attaches particular importance to the swift establishment of the Treaty's international verification system. Austria hosts one radionuclide laboratory at the Austrian Research Centres in Seibersdorf, which was certified in November 2001 as the first of 16 radionuclide laboratories worldwide.

Article VI

16. Austria's objective has been and remains the complete elimination of nuclear weapons. Consequently, Austria continues to call upon all nuclear-weapon States to comply fully with their obligations under article VI of the Treaty. Austria accords high priority to the 13 practical steps towards nuclear disarmament that were agreed to at the 2000 NPT Review Conference. While acknowledging and welcoming progress in the reduction of nuclear weapons, Austria urges nuclear-weapon States to fully implement all 13 practical steps, which serve as an important yardstick against which progress in the fulfilment of article VI can be measured.

17. In view of the obligations of all NPT parties to strive for general and complete disarmament, Austria is also a State party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, the Chemical Weapons Convention, the Antipersonnel Mine Ban Treaty, the Convention on Conventional Weapons and the Outer Space Treaty and spares no efforts to fully implement them.

Article VII

18. Austria welcomes and encourages progress to develop and implement nuclear-weapon-free zone agreements consistent with international law and internationally agreed criteria.

Article VIII

19. The indefinite extension of the Treaty and accompanying decisions in 1995 included a commitment to a strengthened review process. In this regard, Austria attaches particular importance to enhancing the performance of and accountability under the Treaty, in particular by submitting reports on the implementation of the Treaty to the meetings of the preparatory committee as well as to the review conferences.

Article IX

20. Austria attaches high importance to the universalization of the Treaty and continues to urge India, Israel and Pakistan to accede unconditionally to NPT as non-nuclear-weapon States in accordance with article IX.

Article X

21. Austria deplores the announcement of the Democratic People's Republic of Korea on 10 January 2003 of its intention to withdraw from NPT. Austria continues to urge the Democratic People's Republic of Korea to reverse its decision and to comply fully with all nuclear non-proliferation norms, in particular with its obligations contained in the NPT safeguards agreement with the IAEA, and to dismantle its nuclear weapons programme in a complete, verifiable and irreversible manner.

NPT/CONF.2005/10

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

27 April 2005
English
Original: Spanish

New York, 2-27 May 2005

Implementation of Article VI of the Nuclear Non-Proliferation Treaty pursuant to the Final Document of the 2000 Review Conference with particular reference to the 13 practical steps

Report submitted by Argentina

Step 1

The importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty.

Argentina was one of the 44 States whose ratification ensured the entry into force of the Treaty (art. XIV); as an original signatory, it ratified the Comprehensive Nuclear-Test-Ban Treaty on 4 December 1998.

Argentina signed in December 1999 and ratified in February 2004 an agreement on the International Monitoring System under CTBT with the Provisional Technical Secretariat of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization.

Thus, pending the entry into force of the Treaty, Argentina is actively involved in the establishment of an international monitoring system and has established on its territory a laboratory and eight stations (two infrasound; three seismological; three radionuclide) as part of the monitoring network.

Step 2

A moratorium on nuclear-weapons-test explosions or any other nuclear explosions pending entry into force of that Treaty.

While Argentina is of the opinion that, under the Nuclear Non-Proliferation Treaty step 2 is in principle expected of nuclear-weapon States, such step would take on special relevance pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty. Argentina also considers that nuclear-weapon-free zones make a significant contribution to international peace and security by closing them off to the use or threat of the use of nuclear weapons. Argentina is a party to the first nuclear-weapon-free zone, the forward-looking Tlatelolco Treaty (1967), established in one of the most densely populated regions of the planet.

Step 3

The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.

In the Disarmament Conference, Argentina is a strong advocate for the commencement of negotiations on a fissile materials cut-off treaty. In that regard, over the past 10 years, it has called for the negotiation of a "non-discriminatory, multilateral and internationally and effectively verifiable" treaty in accordance with the Shannon mandate.

While Argentina considers that verification is not only a fundamental component of any disarmament and non-proliferation agreements but is also at the core of such agreements, it would advocate making progress in the area of nuclear disarmament, thus avoiding sterile discussions. Argentina calls for the commencement of negotiations on a fissile material cut-off treaty without conditions.

Step 4

The necessity of establishing in the Conference on Disarmament an appropriate subsidiary body with a mandate to deal with nuclear disarmament. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate establishment of such a body.

Argentina favours establishing a subsidiary body on nuclear disarmament, which would help to advance the issues that Argentina would like the Conference on Disarmament to address pursuant to Article VI.

Step 5

The principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures.

Argentina considers that the nuclear-weapon States that adopt nuclear disarmament and nuclear arms control and reduction measures should comply with the principle of irreversibility. Argentina hopes that such principle will be explicitly included in all the bilateral and multilateral instruments that are negotiated pursuant to Article VI of the Nuclear Non-Proliferation Treaty; clearly, this is vital for the credibility of such arrangements.

Step 6

An unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under Article VI.

This critical step enabled agreement to be reached at the 2000 Review Conference. The unequivocal undertaking by nuclear-weapon States signatories to the Nuclear Non-Proliferation Treaty to disarm should be complied with. Argentina would like to see concrete steps taken towards that end.

Step 7

The early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the Treaty on the Limitation of Anti-Ballistic Missile Systems as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.

Argentina welcomed the entry into force in June 2003 of the Moscow Treaty signed between the Russian Federation and the United States of America and is convinced that it is a positive contribution to nuclear weapons reduction. Furthermore, as indicated under step 5 of the Final Document, Argentina recalls the need to ensure that such new efforts include measures that are consistent with the principle of irreversibility.

Argentina is concerned by the lack of progress under the START treaties, which provide for the dismantling and destruction of nuclear warheads and their delivery systems. In light of the June 2002 statement by the Russian Federation de-linking START II and tying the conclusion of negotiations on START III to the entry into force of START II, Argentina proposes that, in order to maintain the momentum achieved under START, the parties should consider, as a minimum, extending START I until 2009.

Moreover, Argentina considers the Anti-Ballistic Missile Treaty vital for strategic stability and international security; it therefore deplored the denunciation of the Treaty by the United States of America in December 2001.

Step 8

The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.

Argentina supports the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency (IAEA) and looks forward to the completion of such instrument through agreement among the parties on the IAEA excess weapon origin fissile material verification system, including the irreversible elimination of such material.

Step 9

Steps by all the nuclear-weapon States leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all:

- **Further efforts by the nuclear-weapon States to reduce their nuclear arsenals unilaterally;**
- **Increased transparency by the nuclear-weapon States with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to Article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament;**
- **The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process;**
- **Concrete agreed measures to further reduce the operational status of nuclear weapons systems;**
- **A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination;**
- **The engagement as soon as appropriate of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons.**

Argentina endorses these proposed steps. It is concerned in particular about the vertical proliferation of nuclear weapons, a concept which covers non-strategic nuclear weapons or the development of advanced technologies that make it possible to use improved versions of nuclear weapons (in terms of size and deployment) in conventional scenarios. Argentina deplores the formulation of new security doctrines that do not rule out the use of nuclear weapons.

Step 10

Arrangements by all nuclear-weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside military programmes.

Argentina reminds nuclear-weapon States of the need to agree among themselves and to place, as soon as practicable, fissile material for non-military purposes under IAEA or other relevant international verification and arrangements, to ensure that such material is not used in military programmes.

Step 11

Reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control.

Argentina is an active participant in all international disarmament and non-proliferation forums, regimes and instruments dealing with both weapons of mass destruction and conventional weapons.

Argentina's external policy in the areas of security, disarmament and non-proliferation is shaped by an integration strategy based on the establishment of confidence-building and transparent regional and global agreements.

Argentina rejects any arguments that make progress in nuclear disarmament contingent upon progress in conventional weapons. As Argentina has stated over the years at all relevant forums, it cherishes the hope that nuclear-weapon States will undertake negotiations on nuclear disarmament in good faith.

Step 12

Regular reports, within the framework of the strengthened review process for the Nuclear Non-Proliferation Treaty, by all States parties on the implementation of Article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", and recalling the advisory opinion of the International Court of Justice of 8 July 1996.

This report clearly demonstrates Argentina's commitment to the principle of submitting periodic reports under Article VI within the context of the Nuclear Non-Proliferation Treaty review process.

Step 13

The further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.

Argentina is convinced that since verification has proved to be a crucial tool of the nuclear non-proliferation regime — by verifying the peaceful nature of nuclear programmes of States signatories to the Treaty — the required verification of future commitments by nuclear-weapon States within the context of disarmament will further the achievement of the principle of irreversibility and address objections to the strengthening of nuclear non-proliferation measures.

NPT/CONF.2005/11*

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

26 April 2005
English
Original: Spanish

New York, 2-27 May 2005

Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and of paragraph 4 (c) of the decision of 1995 on principles and objectives for nuclear non-proliferation and disarmament

Report submitted by Spain

1. In accordance with paragraph 15, subparagraph 12 of the chapter concerning article VI in the Final Document of the 2000 Review Conference, the Government of the Kingdom of Spain is reporting on the steps it has taken to implement article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, and paragraph 4 (c) of the 1995 decision entitled "Principles and objectives for nuclear non-proliferation and disarmament".

Step 1
Comprehensive Nuclear-Test-Ban Treaty

2. Spain fully supports the objectives of the Comprehensive Nuclear-Test-Ban Treaty. It was among the first States to ratify the treaty and actively supports the activities of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization. Both as an individual State and as a member of the European Union, Spain is engaged in a number of diplomatic initiatives with third States aimed at promoting the universality and entry into force of the Treaty. One of the monitoring stations of the International Monitoring System administered by the Provisional Technical Secretariat of the Preparatory Commission is located in Spain, which defrays part of the station's operating costs.

Step 2
Moratorium on nuclear-weapons testing

3. Pending the universal ratification and entry into force of the Comprehensive Nuclear-Test-Ban Treaty, the moratoria on nuclear-weapons-test explosions or any

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* Reissued for technical reasons.

other nuclear explosions represent an important contribution to international peace and security. Spain is working to ensure that nuclear-weapon States honour and strengthen their existing commitments regarding moratoria on nuclear-weapons testing.

Step 3
Negotiations for the conclusion of a treaty banning the production of fissile material

4. Spain has supported various initiatives for the adoption of a programme of work at the Conference on Disarmament in Geneva and believes that negotiations should recommence immediately, in that Conference, on an international treaty establishing limitations and controls on the production of fissile material for nuclear weapons: more specifically, those negotiations should contemplate the banning of the future production of fissile material for nuclear weapons. Pending such an agreement, and even though they are not enough in themselves, Spain welcomes the moratoria on the production of fissile material declared by nuclear-weapon States (or States possessing nuclear technology in general). At the appropriate time, another related issue should also be taken into consideration: the treatment of existing stocks of fissile material for nuclear weapons. Spain has supported the holding of seminars on these issues, organized on an informal basis in Geneva by the delegation of the Netherlands, and has participated in those seminars.

Step 4
Nuclear disarmament in the Conference on Disarmament

5. Among the issues that the Conference on Disarmament should be in a position to consider, on a priority basis, is the issue of nuclear disarmament. Spain believes that an ad hoc body should be established to give due attention to this issue.

Step 5
Irreversibility

6. Spain believes that the principle of irreversibility should be considered as an essential principle of arms control, disarmament and non-proliferation. The credibility of bilateral and multilateral agreements on disarmament and arms control depends very strongly on their irreversibility. Spain calls upon all nuclear-weapon States to reflect the concept of irreversibility in their agreements on the reduction and elimination of nuclear weapons.

Step 6
Unequivocal undertaking

7. The undertaking to accomplish the total elimination of their nuclear weapons, referred to in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and in the documents of the 2000 Review Conference, is an extremely important

goal. Spain welcomes the measures adopted to reduce nuclear arsenals and urges all nuclear-weapon States to pursue their efforts to honour this undertaking.

Step 7
The START negotiations and the Treaty on the Limitation of Anti-Ballistic Missile Systems

8. The international community cannot ignore the bilateral actions taken on disarmament and arms control or their evolution over time. Bilateral disarmament and arms control measures also make a significant contribution to international peace and security. Transparency, irreversibility and verification are important elements within the bilateral framework, as they are within the multilateral framework. Spain has noted the denunciation by the United States of America of the Treaty on the Limitation of Anti-Ballistic Missile Systems and the establishment by the United States and the Russian Federation of a new strategic framework by means of the Moscow Treaty, and it trusts that progress can be made both in the reduction of nuclear arsenals and in the areas of verification, transparency and irreversibility.

Step 8
Trilateral Initiative

9. Spain urges the United States of America and the Russian Federation to pursue and to step up negotiations with the International Atomic Energy Agency (IAEA) under the Trilateral Initiative, in order that an agreement between the three parties can be reached, as soon as possible, on the system for verification by the IAEA of fissile material declared surplus to requirements, including its irreversible destruction.

Step 9
Steps by nuclear-weapon States

10. Like the large majority of States that make up the international community, Spain believes that nuclear-weapon States have a special responsibility to honour their commitments relating to the maintenance of international peace and security. In this regard, the importance of transparency, verification and irreversibility must be re-emphasized. It would also be desirable that nuclear-weapon States submit regular reports on their arsenals, delivery systems, fissile-material stocks, and exports of technology for military use. Although it must be recognized that some nuclear-weapon States have shown considerable proof of transparency, it should be borne in mind that any confidence-building measure and any progress made in this area is of particular importance and urgency. More specifically, one cannot ignore the risk that weapons of mass destruction may be used by terrorist organizations. This leads to the realization that non-nuclear weapon States also have important responsibilities with respect to verification and transparency: in this regard, it is essential inter alia to strengthen the role played by IAEA. All States should participate in the IAEA safeguards system, including the Additional Protocol and,

ultimately, in the new concept of comprehensive safeguards or in other developments of the system.

11. Spain also welcomes the adoption last year of Security Council resolution 1540 (2004), in the negotiation of which Spain actively participated. Spain co-sponsored this resolution because it believes that there is an imperative need for urgent action in order to fill a vacuum in international law relating to the need to prevent terrorist organizations and other non-State actors from accessing weapons of mass destruction and related technologies. Spain calls on all States to adopt the national legislative and administrative measures provided for in the resolution.

Step 10
Arrangements by nuclear-weapon States concerning fissile material

12. Spain invites all nuclear-weapon States to adopt or strengthen unilateral measures for the reduction of nuclear arsenals and to take appropriate measures concerning fissile material for military use declared to be surplus to requirements, especially its elimination, in accordance with the appropriate verification systems.

Step 11
General and complete disarmament

13. Spain participates actively in all international forums and agreements on disarmament and non-proliferation relating to conventional arsenals and weapons of mass destruction, thereby fully assuming political, legal and financial commitments. Spain is also a member of export-control regimes: close international cooperation in such regimes is an entirely legitimate and necessary complement to the general disarmament and non-proliferation system.

Step 12
Submission of reports

14. Spain fully supports the principle of submitting regular national reports within the framework of the Treaty review process.

Step 13
Development of verification capabilities

15. Spain believes that verification agreements and systems are an essential part of the international regimes of nuclear non-proliferation and disarmament. In general terms, measures that contribute towards transparency, verification and confidence-building are an essential part of the international community's efforts towards the "achievement and maintenance of a nuclear-weapon-free world".

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

28 April 2005

Original: English

New York, 2-27 May 2005

Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East

Report submitted by Australia

1. Australia fully supports the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction and their means of delivery. Australia has joined the consensus every year at the United Nations General Assembly in support of the resolution calling for the establishment of a nuclear-weapon-free zone in the region of the Middle East freely arrived at among States of the region.

2. In the context of Australia's support for universality of the Treaty on the Non-Proliferation of Nuclear Weapons, Australia calls on Israel, as for other States yet to join the Treaty, to accede to it as a non-nuclear-weapon State.

3. The Additional Protocol on strengthened IAEA safeguards offers Middle East States an important confidence-building opportunity. Australia welcomes the implementation on a provisional basis of additional protocols by the Islamic Republic of Iran and the Libyan Arab Jamahiriya and looks forward to their ratification. Australia will continue to urge conclusion by Middle East States of the Additional Protocol without delay or precondition.

4. Australia has joined with other IAEA Board members in urging Iran to resolve the continuing international concerns about its nuclear programme. Iran must urgently cooperate fully with IAEA to resolve outstanding questions, as must States, entities and persons that have supplied Iran's nuclear programme.

5. Australia welcomed Libya's historic decision in December 2003 to eliminate verifiably all materials, equipment and programmes leading to the production of nuclear weapons. Libya's actions stand as a prominent example of the benefits available to States that embrace transparency and commit to compliance with the highest nuclear non-proliferation standards.

6. While countries of the Middle East would need to take the initiative in developing a Middle East zone free of weapons of mass destruction and their means of delivery, membership of and adherence to existing treaties and instruments would be a step towards this aim. Australia contributes to the goal of such a zone through

its efforts to achieve universal membership of the Treaty on the Non-Proliferation of Nuclear Weapons, the Comprehensive Nuclear-Test-Ban Treaty, the Biological Weapons Convention and the Chemical Weapons Convention, and our active support for the International Code of Conduct against Ballistic Missile Proliferation, adopted in The Hague.

7. Australia is active in efforts to achieve universal application of nuclear safeguards measures — in the Middle East and elsewhere.

8. Australia fully supports the Middle East peace process and welcomes the good progress that has recently been made on this issue. The best prospect for such a peace remains a two-State solution that will ensure Israel's security and provide for a viable and stable Palestinian State. Australia has consistently urged both parties to fulfil their obligations under the road map to Middle East peace, which still offers the most practical way forward in achieving this objective. We have been encouraged by the renewed efforts of the Palestinian Authority to stop terrorism, and by Israel's commitment to withdraw from Gaza.

NPT/CONF.2005/13

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

28 April 2005

Original: English

New York, 2-27 May 2005

Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 decision on "principles and objectives for nuclear non-proliferation and disarmament"

Report submitted by Australia

1. The Treaty on the Non-Proliferation of Nuclear Weapons remains essential to international efforts to prevent the spread of nuclear weapons, facilitate access to the peaceful uses of nuclear energy and advance nuclear disarmament. The current intense international concern about weapons of mass destruction proliferation, including potentially to non-State groups, has added to the importance of the nuclear non-proliferation regime based on the Treaty. Universality remains a key objective. Australia calls upon the three countries yet to join — India, Israel and Pakistan — to accede to the Treaty as non-nuclear weapon States.

2. As a non-nuclear weapon State, the main contribution by Australia to nuclear disarmament is working for progress on the reinforcing steps essential to create an environment favourable to the elimination of nuclear weapons.

3. Australia believes that the article VI goal of nuclear disarmament can be achieved only through a series of balanced, incremental and reinforcing steps — including nuclear warhead reductions, entry into force of the Comprehensive Nuclear-Test-Ban Treaty, negotiation of a fissile material cut-off treaty, further progress on nuclear weapon-free zones, and a strong and effective nuclear non-proliferation regime.

4. The Moscow Treaty, which entered into force on 1 June 2003, is a notable further step towards nuclear disarmament. The significance of the Moscow Treaty lies not just in its quantitative reductions but also in its ushering in of a more cooperative arms control relationship between the United States of America and the Russian Federation. Australia hopes both countries will take advantage of the opportunities provided by that approach to pursue progressive reductions to strategic and non-strategic nuclear weapons in both deployed and reserve holdings. We also look to the nuclear weapon States to pursue further reductions in the operational status of nuclear weapon systems in ways that promote international stability and security.

5. At the fifty-ninth session of the General Assembly, Australia was an original co-sponsor of the nuclear disarmament resolution "A path to the total elimination of nuclear weapons", which emphasized the central importance of the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to the implementation of commitments in respect of article VI of the Treaty.

6. Australia strongly supports the Comprehensive Nuclear-Test-Ban Treaty and continues to make representations to countries yet to sign or ratify, especially Annex 2 countries and those in the Asia-Pacific region, urging their early signature and/or ratification of the Treaty. Australia, Mexico and New Zealand formed the core group that put forward the resolution on the Treaty adopted at the fifty-ninth session of the General Assembly. With Finland, Japan and the Netherlands, Australia convened at the fifty-ninth session of the General Assembly a joint ministerial meeting on the Treaty which underscored the continued widespread support for the Treaty. Australia has been appointed the Treaty article XIV coordinator for 2005-2006 and President-designate of the 2005 article XIV Conference on ways to accelerate the entry into force of the Treaty.

7. Australia is an active participant in development of the Comprehensive Nuclear-Test-Ban Treaty International Monitoring System (IMS) and welcomes the continued progress being made on the System. Australia will host the third highest number of IMS stations (after the United States of America and the Russian Federation).

8. The fissile material cut-off treaty remains a priority for Australia. Australia continues to press for a start to negotiations for such a treaty. Australia is also active in promoting examination of issues that will arise in those negotiations. The position of Australia is that to be credible and effective the treaty should include measures to verify parties are complying with their obligations.

9. Effective non-proliferation is essential for a climate conducive to nuclear disarmament. Recent events have highlighted a clear and urgent need to strengthen the Treaty's compliance and verification mechanisms.

10. International Atomic Energy Agency (IAEA) safeguards are not static and have undergone considerable evolution since the Treaty on the Non-Proliferation of Nuclear Weapons entered into force in 1970. The Additional Protocol and the development of strengthened and integrated safeguards are the most recent manifestation of that. Australia played a prominent role in negotiation of the Additional Protocol and was the first country to ratify such a Protocol.

11. Australia is of the firm view that the Additional Protocol together with a comprehensive safeguards agreement is the current verification standard pursuant to article III.1 of the Treaty, and believes the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons should take a decision to that effect. Australia considers that integrated IAEA safeguards are essential to the effective and cost-effective implementation of strengthened safeguards.

12. The risk of misuse by States parties to the Treaty of its peaceful nuclear energy provisions in order to acquire the technical basis for a rapid breakout to nuclear weapons is a serious matter for the international community. Australia strongly supports the current extensive dialogue in relevant international forums on steps that would limit the spread of sensitive technology while respecting the rights of parties

to the Treaty to peaceful nuclear energy in conformity with the non-proliferation provisions under articles I, II and III.

Outreach and regional assistance

13. Australia is stepping up its regional outreach efforts. As part of those efforts, Australia is conducting outreach to regional countries on agreements such as the Comprehensive Nuclear-Test-Ban Treaty and the Additional Protocol. Australia is also working with regional countries on practically based outreach in key areas such as export controls, nuclear security and safeguards training.

14. A major initiative under the Australian regional outreach programme was hosting of the Asia-Pacific Nuclear Safeguards and Security Conference in Sydney on 8 November 2004. In addition to regional ministers and their representatives, the conference was attended by the Director General of the IAEA.

15. The meeting recognized that a strong nuclear safeguards and security framework was essential to realizing the benefits of peaceful use of nuclear energy. It noted that effective nuclear safeguards and security measures were vital not only for countries with nuclear power programmes or research reactors, but also for those where radioactive materials are used for medical, industrial and scientific purposes. Participants agreed to work together in a sustained and comprehensive effort to expand and enhance the nuclear safeguards and security framework. The outcomes statement from the conference has been circulated as document NPT/CONF.2005/2.

NPT/CONF.2005/14

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

28 April 2005
English
Original: French

New York, 2-27 May 2005

Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons and the 1995 resolution on the Middle East

Report submitted by Morocco

I. Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons and of paragraph 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament

1. The new international security situation resulting from the events of 11 September 2001 demonstrated the enormous importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the need to preserve its strength and credibility in order to confront the threats associated with nuclear terrorism and the proliferation of weapons of mass destruction and their means of delivery.

2. In this context, the Kingdom of Morocco believes that the Non-Proliferation Treaty is the cornerstone of the nuclear non-proliferation regime and a key instrument for the maintenance of peace and security in the world. It has therefore always supported initiatives aimed at strengthening the authority of this regime and promoting its universality.

3. The Kingdom of Morocco stresses the crucial importance of respect by all States Parties for the provisions of the Treaty and the obligations arising from it.

4. For its part, the Kingdom of Morocco, which has signed and ratified all the multilateral instruments relating to weapons of mass destruction, remains committed to general and complete disarmament and in particular to nuclear disarmament. Since its accession to the Non-Proliferation Treaty in 1970, the Kingdom of Morocco has constantly worked for the total elimination of nuclear weapons and their non-proliferation.

5. Moreover, as a Contracting Party, the Kingdom of Morocco has consistently supported the decisions aimed at strengthening the review process of the Treaty.

6. For this reason, the Kingdom of Morocco fully supports the positive conclusions of the 1995 and 2000 review conferences of the Parties to the Non-Proliferation Treaty and reaffirms the importance of their implementation by the States Parties, in a transparent, balanced and irreversible manner.

7. It believes that the multilateral non-proliferation regime must be strengthened in order to combat the illicit proliferation of nuclear devices and material and the risks of nuclear terrorism.

8. Likewise, at the level of the General Assembly, the Kingdom of Morocco has always supported the adoption of resolutions aimed at promoting nuclear disarmament and non-proliferation.

9. The Kingdom of Morocco endorses action aimed at ending the deadlock in the work of the Conference on Disarmament and continues to support the undertaking of negotiations for the formulation of a treaty on fissile material, a legal instrument on negative security assurances and a convention on nuclear disarmament.

10. The Kingdom of Morocco reaffirms its commitment to the inalienable right of the States Parties to the Treaty to carry out research, and develop the production and utilization of nuclear energy and technologies for peaceful purposes, particularly through international cooperation under monitoring by the International Atomic Energy Agency (IAEA).

11. The Kingdom of Morocco, which supports a total ban on nuclear tests, has signed and ratified the Comprehensive Nuclear-Test-Ban Treaty. It deplores the fact that this Treaty, which was opened for signature on 24 September 1996, has still not entered into force. In this respect, it reiterates its appeal to all States which have not yet done so to accede to the Treaty without delay. It stresses the importance of respect for the moratoriums on nuclear tests and of the convening of conferences in order to facilitate the entry into force of the Treaty.

12. In addition, in implementation of the Non-Proliferation Treaty, the Kingdom of Morocco concluded a comprehensive safeguards agreement with IAEA as of 1973. On 22 September 2004, it concluded an additional protocol to its safeguards agreement with the Agency, pursuant to the Treaty.

13. The Kingdom of Morocco has also ratified the Convention on the Physical Protection of Nuclear Material. It has also notified the Director General of IAEA of its acceptance of the Code of Conduct on the Safety and Security of Radioactive Sources.

14. The Kingdom of Morocco believes that appropriate security measures should be established for nuclear installations and is in favour of strengthening the Convention on the Physical Protection of Nuclear Material.

15. The efforts made by the Kingdom of Morocco to supplement its legal arsenal for combating the proliferation of and trafficking in devices and material that could help non-State actors to manufacture, acquire, possess, develop or transport nuclear, biological or chemical weapons demonstrate the Kingdom's unshakeable commitment to the campaign waged by the international community to confront terrorism and the proliferation of weapons of mass destruction.

16. A standing committee for nuclear monitoring, established by royal decree in January 2001 and attached to the office of the Prime Minister, has been charged,

inter alia, with preparing a homogeneous and unified draft law on nuclear and radiological safety and security and on the establishment of a safety authority to be charged with ensuring tight control over nuclear material and radioactive sources, keeping an inventory of them and applying safety and security measures in accordance with national legislation and basic international standards. This draft law, elaborated in collaboration with IAEA experts, has been submitted to the competent authorities within the framework of the constitutional process for adoption.

17. Other draft regulations pertaining to transport safety and waste management are in the process of being finalized. The draft law on civil liability in case of nuclear damage, meanwhile, was adopted on 20 January 2005.

18. Moreover, a draft joint decree on the physical protection of nuclear material is being elaborated. This text, conceived in the form of a regulation, complies with the provisions of the Convention on the Physical Protection of Nuclear Material.

19. The Kingdom of Morocco, being profoundly convinced that the international effort to combat terrorism should cover all aspects of that complex phenomenon, fully shares the concerns of the international community concerning the proliferation of weapons of mass destruction. Thus, on 26 October 2004, it submitted its national report pursuant to paragraph 4 of Security Council resolution 1540 (2004).

20. The Kingdom of Morocco welcomes the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism by the General Assembly as a significant step forward in the international struggle against international terrorism in all its forms.

II. Implementation of the 1995 resolution on the establishment of a nuclear-weapon-free zone in the Middle East

1. The Kingdom of Morocco remains convinced that the establishment of nuclear-weapon-free zones helps strengthen the nuclear non-proliferation regime. For that reason, it has always supported the establishment of such zones where they do not exist.

2. The Kingdom of Morocco was one of the first countries to call for the establishment of a nuclear-weapon-free zone in the Middle East, because it believes that the existence of such a zone is not only a necessary measure to banish proliferation and insecurity in this region, but also an international objective and a factor in the consolidation of peace and security in the world.

3. At the level of the League of Arab States, Morocco is participating in the development of a legal and technical mechanism for the establishment of a zone free from weapons of mass destruction in the Middle East.

4. Within IAEA, the Kingdom of Morocco is taking active steps to promote the application of the Agency's safeguards regime throughout the Middle East region, because it believes that this is an essential international security measure.

5. The Kingdom of Morocco encourages the conclusion by all States of the Middle East region, including Israel, of comprehensive safeguards agreements with

IAEA, as an important step towards the creation of a climate of trust between the States of the region and a preliminary measure for the establishment of a nuclear-weapon-free zone in the Middle East.

6. The Kingdom of Morocco has helped promote confidence-building measures among the States that are parties to the conflict in the Middle East, particularly by participating in the work of the Multilateral Working Group on Arms Control and Regional Security.

7. The establishment of a nuclear-weapon-free zone in the Middle East requires that the only State of the region — Israel — that is not yet a party to the Non-Proliferation Treaty should accede to it and submit its nuclear installations to the IAEA safeguards regime. This concern was specifically mentioned in the decisions of the 1995 and 2000 review conferences of the Non-Proliferation Treaty.

8. Morocco stresses the need for all the parties concerned to take concrete measures, as a matter of urgency, for the establishment of a nuclear-weapon-free zone in the Middle East region and, pending the establishment of such a zone, to declare solemnly their intention to refrain, on the basis of reciprocity, from manufacturing, acquiring or in any other way possessing nuclear weapons and nuclear explosive devices and not to allow the emplacement of nuclear weapons in their territories by any third party.

9. The Kingdom of Morocco is conducting sustained action, at both the regional and the international levels, to encourage all the States of the region to undertake the establishment of a zone free from weapons of mass destruction in the Middle East.

10. The Kingdom of Morocco constantly reiterates its appeal to the nuclear Powers, and particularly to the depositaries of the Non-Proliferation Treaty, to the international community and to international organizations to assume their respective responsibilities for the achievement of a nuclear-weapon-free zone in the Middle East.

NPT/CONF.2005/15

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

29 April 2005

Original: English

New York, 2-27 May 2005

Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 Resolution on the Middle East

Compilation of reports

Introduction

1. In the Final Document of the 2000 Review Conference, which the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons adopted by consensus on 19 May 2000, the Conference requested "all States parties, particularly the nuclear-weapon States, the States of the Middle East and other interested States, to report through the United Nations Secretariat to the President of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, as well as to the Chairperson of the Preparatory Committee meetings to be held in advance of that Conference, on the steps that they have taken to promote the achievement of such a zone and the realization of the goals and objectives of the 1995 Resolution on the Middle East. It requests that the Secretariat prepare a compilation of those reports in preparation for consideration of these matters at the Preparatory Committee meetings and the 2005 Review Conference". (See document NPT/CONF.2000/28, Part I, "Review of the operation of the Treaty, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference", section entitled "Article VII and the security of non-nuclear-weapon States:, paragraph 16 on "Regional issues", subparagraph 7.)

2. The present compilation has been prepared by the United Nations Secretariat in response to that request and contains the reports issued by 6 May 2005.

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

3 April 2002
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New York, 8-19 April 2002

Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 Resolution on the Middle East

Compilation of reports

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I. Introduction

1. In the Final Document of the 2000 Review Conference, which the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons adopted by consensus on 19 May 2000, the Conference requested "all States parties, particularly the nuclear-weapon States, the States of the Middle East and other interested States, to report through the United Nations Secretariat to the President of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, as well as to the Chairperson of the Preparatory Committee meetings to be held in advance of that Conference, on the steps that they have taken to promote the achievement of such a zone and the realization of the goals and objectives of the 1995 Resolution on the Middle East. It requests that the Secretariat prepare a compilation of those reports in preparation for consideration of these matters at the Preparatory Committee meetings and the 2005 Review Conference". (See document NPT/CONF.2000/28, Part I, "Review of the operation of the Treaty, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference", section entitled "Article VII and the security of non-nuclear-weapon States:, paragraph 16 on "Regional issues", subparagraph 7.)

2. The present compilation has been prepared by the United Nations Secretariat in response to that request. Reports have been received thus far from Algeria, Australia, Egypt and Jordan. Any additional information received will be issued as addenda to the present document.

II. Reports received from States parties

Algeria

[Original: French]
[1 April 2002]

1. Algeria believes that the establishment of a nuclear-weapon-free zone is an effective part of the consolidation of regional peace and security and contributes to the strengthening of the non-proliferation regime and the achievement of the objectives of nuclear disarmament.

2. However, because of the proximity and close ties between Africa and the Middle East, Algeria remains deeply concerned about the lack of progress in establishing a nuclear-weapon-free zone in this sensitive region. It therefore believes that it is essential to take concrete measures to implement the provisions of the 1995 resolution on the Middle East submitted by the three depositary States of the Treaty on the Non-Proliferation of Nuclear Weapons and adopted by the 1995 Review and Extension Conference. It recalls, in this respect, that the Final Document of the 2000 Review Conference reaffirms the importance of this resolution and recognizes that it remains valid until the goals and objectives are achieved.

3. Algeria also endorses the position expressed by the States parties at the 2000 Review Conference calling upon Israel to accede to the Non-Proliferation Treaty and place its nuclear facilities under comprehensive International Atomic Energy Agency (IAEA) safeguards in order to realize the goal of universal adherence to the Treaty in the Middle East region and achieve the legitimate aspiration to the establishment of a non-nuclear zone.

4. Choosing to promote the development of research in the peaceful uses of nuclear energy, Algeria acceded and committed itself to the Non-Proliferation Treaty and, in March 1996, concluded an agreement on comprehensive safeguards by virtue of which all its nuclear activities are placed under its control in accordance with article II of the Treaty.

5. Algeria has always worked in support of nuclear-weapon-free zones throughout the world; it endorses the Declaration of the Organization of African Unity on the Denuclearization of Africa and was the third African State to ratify the African Nuclear-Weapon-Free Zone Treaty (the Pelindaba Treaty). Similarly, Algeria supported the establishment of such zones in Latin America and the Caribbean, in the South Pacific and in South-East Asia by the Treaties of Tlatelolco, Rarotonga and Bangkok, which have considerably reduced the risks of nuclear proliferation and contributed to the strengthening of international peace and security, and welcomed the efforts undertaken to establish a nuclear-weapon-free zone in Central Asia.

6. Within the Arab Group, it sponsors the resolution entitled "The risk of nuclear proliferation in the Middle East" submitted each year to the General Assembly, and supports the resolution entitled "Establishment of a

nuclear-weapon-free zone in the region of the Middle East"; similarly, it participated actively in the work of the working group on the establishment of nuclear-weapon-free zones at the substantive session of the Disarmament Commission in April 1999.

Australia

[Original: English]
[26 March 2002]

1. Australia fully supports the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction and their means of delivery. Australia has joined the consensus every year at the General Assembly in support of the resolution calling for the establishment of a nuclear-weapon-free zone in the Middle East freely arrived at among the States of the region.

2. While countries of the Middle East would need to take the initiative in developing a Middle East zone free of weapons of mass destruction and their means of delivery, membership of and adherence to existing treaties and instruments would be a step towards this aim. Australia contributes to the goal of such a zone through its efforts to achieve universal membership of the Treaty on the Non-Proliferation of Nuclear Weapons, the Comprehensive Nuclear-Test-Ban Treaty, the Biological Weapons Convention, the Chemical Weapons Convention, and our active support for the draft International Code of Conduct against Ballistic Missile Proliferation.

3. Australia is active in efforts to achieve universal application of nuclear safeguards measures in the Middle East and elsewhere. Australia also calls upon all parties to the Non-Proliferation Treaty to comply fully with the requirements of the Treaty.

Egypt

[Original: Arabic]
[19 March 2002]

In accordance with the request made in the Final Document of the Sixth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, held in 2000, to States parties, particularly the nuclear-weapon States, the States of the Middle East and other interested States, to report through the United Nations Secretariat to the President of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, as well as to the chairpersons of the Preparatory Committee meetings to be held in advance of that Conference, on the steps that they have taken to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East, the Government of the Arab Republic of Egypt has the honour to submit this report, which sets forth a number of the steps that Egypt has taken for the achievement of such a zone.

General

The issue of the establishment of a nuclear-weapon-free zone in the Middle East has high priority in Egyptian policy, particularly since all the States of the Middle East region, without exception, have become parties to the Treaty on the Non-Proliferation of Nuclear Weapons, leaving Israel as the only State in the region that has not yet acceded to the Treaty or placed its nuclear facilities under comprehensive International Atomic Energy Agency (IAEA) safeguards.

This imbalance, particularly in a region like the Middle East that is beset by manifest political tensions, led the parties to the Treaty on the Non-Proliferation of Nuclear Weapons to adopt in 1995 a resolution on the Middle East, within the framework of the majority agreement on the extension of the Treaty and co-sponsored by the depositary States, namely the Russian Federation, the United Kingdom and the United States. The resolution contains clear and unambiguous statements affirming the importance of establishing a nuclear-weapon-free zone in the Middle East and the role of the international community in the matter. This affirmation by the Conference is contained in operative paragraphs 4, 5 and 6 of the Resolution, as follows:

> "*Reaffirms* the importance of the early realization of universal adherence to the Treaty, and calls upon all States of Middle East that have not yet done so, without exception, to accede to the Treaty as soon as possible and to place their nuclear facilities under full-scope International Atomic Energy Agency safeguards";
>
> "*Calls upon* all States in the Middle East to take practical steps in appropriate forums aimed

at making progress towards, inter alia, the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems, and to refrain from taking any measures that preclude the achievement of this objective";

"*Calls upon* all States party to the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular the nuclear-weapon States, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems".

The United Nations Secretariat prepared a report as a document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.2000/7), which mentioned that, since 1995, numerous States of the region had acceded to the Treaty and that thus all States of the Middle East, with the exception of Israel, were States parties to the Treaty.

This situation prompted the parties to the Treaty on the Non-Proliferation of Nuclear Weapons, at the Sixth Review Conference in 2000, to reaffirm the importance of the resolution on the Middle East adopted by the 1995 Review and Extension Conference and to recognize that the resolution remained valid until the goals and objectives were achieved and that the resolution was an essential element of the outcome of the 1995 Conference and of the basis on which the Treaty on the Non-Proliferation of Nuclear Weapons was indefinitely extended without a vote in 1995. Consequently, this resolution must be regarded as equivalent as regards its importance and its binding nature to the decision for the indefinite extension of the Treaty.

The Secretariat document also mentioned that all States of the region of the Middle East, with the exception of Israel, were States parties to the Non-Proliferation Treaty and reaffirmed the importance of Israel's accession to the non-proliferation Treaty and the placing of all its nuclear facilities under comprehensive IAEA safeguards with a view to achieving the goal of arriving at universal adherence to the Treaty in the Middle East.

In the light of this high priority that Egypt accords to the issue of establishing a nuclear-weapon-free zone in the Middle East, with a view to ridding the region of the Middle East of all weapons of mass destruction and their delivery systems, believing in the importance of the international community's taking clear-cut steps to promote the achievement of such a zone, and with a view to the realization of the goals and objectives of the 1995 resolution on the Middle East, Egypt has, for years, maintained a firm stand and steadfast policy with regard to the establishment of such a zone, which would eliminate nuclear weapons, enhance the security of all States of the region and contribute to the speedy attainment of a comprehensive and just peace in the Middle East. Egyptian efforts in this matter have been concentrated at the national, regional and international levels, as follows.

I. Egyptian efforts and steps at the national level

- Egypt's accession to the Treaty on the Non-Proliferation of Nuclear Weapons and its signature of the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba), which clearly affirms Egypt's rejection of the nuclear option, which represents a clear threat to humanity and to peace and security in the Middle East;
- Egypt's hosting of the ceremonies for the signature of the African Nuclear-Weapon-Free Zone Treaty on 11 April 1996, as an expression of Egypt's commitment to eliminating nuclear weapons not only from the Middle East but from the African continent as a whole; Egypt's hosting of the ceremonies for the signature of the Pelindaba Treaty represents the culmination of the follow-up to the Declaration on the Denuclearization of Africa adopted by the Assembly of Heads of State and Government of the Organization of African Unity in July 1964 in Cairo;
- Egypt's conclusion of an agreement on comprehensive safeguards with IAEA and its placing of its two research reactors and its other nuclear facilities under comprehensive IAEA safeguards.

II. Egyptian efforts and steps at the regional level

- The accession of Egypt and all States of the Middle East to the Treaty on the Non-Proliferation of Nuclear Weapons and the placing of their nuclear facilities under the comprehensive IAEA safeguards system, with the exception of Israel;
- Egypt's participation in the preparation of a draft treaty to make the region of the Middle East a region free from weapons of mass destruction, first and foremost nuclear weapons, within the framework of the League of Arab States;
- Establishment of a working group on arms control and regional security (ACRS), which emerged from the Madrid peace process on the basis of a proposal by Egypt, and a call for the inclusion on its agenda of an item on the achievement of a nuclear-weapon-free zone in the Middle East.

III. Egyptian efforts and steps at the international level

- The announcement by President Muhammad Hosni Mubarak in April 1990 of his initiative calling for the elimination of all weapons of mass destruction and their delivery systems from the region of the Middle East; His Excellency's announcement of his second initiative, in 1998, calling for the convening of an international conference to consider ridding the world of weapons of mass destruction, first and foremost nuclear weapons;
- Egypt's submission annually, since 1974, of a resolution to the General Assembly of the United Nations concerning the establishment of a nuclear-weapon-free zone in the Middle East; this resolution has been adopted by consensus since 1980, up to the fifty-sixth session of the General Assembly;
- Egypt's submission annually of a resolution to the General Assembly of the United Nations concerning the risk of nuclear proliferation in the Middle East and calling upon Israel, as the only State in the Middle East that has not yet become a party to the Treaty on the Non-Proliferation of Nuclear Weapons, to accede to the Treaty without further delay; the resolution has been adopted annually by an overwhelming majority up to the fifty-sixth session of the General Assembly;
- Egypt's submission annually, within the framework of the IAEA General Conference, of a resolution concerning the application of IAEA safeguards in the Middle East; the resolution has been adopted annually by consensus, up to the forty-fifth session of the General Conference;
- Egypt's ongoing and persistent efforts, within the framework of the activities of the Disarmament Commission, to promote the establishment of a nuclear-weapon-free zone in the Middle East; these efforts resulted in the adoption by the Disarmament Commission, at its substantive session in April 1999 (under the chairmanship of Egypt), of guidelines for establishing nuclear-weapon-free zones and encouraging the establishment of such a zone in the Middle East.

Conclusion

Egypt will continue to follow up its efforts to achieve the goal of establishing a nuclear-weapon-free zone in the Middle East as soon as possible, as a major step towards eliminating all weapons of mass destruction from the region. With a view to the realization of this goal, it will follow up its initiative concerning the establishment of a zone free from weapons of mass destruction in the Middle East and will continue its efforts to obtain the support of the international community in establishing such a zone and averting the threat to humanity presented by nuclear weapons, inasmuch as they are the most dangerous, destructive and genocidal of all weapons of mass destruction.

In this context, Egypt considers it necessary that all parties to the Treaty, particularly the nuclear-weapon States, shoulder their responsibilities and make all sincere efforts to realize all the goals and objectives of the 1995 Resolution on the Middle East and to implement the relevant portions of the Final Document of the 2000 Review Conference of the Parties to the Treaty. It may be appropriate to begin thinking as of now of setting up a mechanism, with a specific mandate, entrusted by the Review Conference with the task of following up the implementation of this resolution, and the recommendations made concerning it at the 2000 Review Conference, as proof of the seriousness of States' approach to and commitment to the implementation of the decisions of the Review Conference. Here emerges the special role that devolves upon the three depositary States, which are the same States that co-sponsored the resolution on the Middle East, in the implementation of this resolution. We should like to know the steps they have taken for the achievement of a nuclear-weapon-free zone in the Middle East.

Jordan

[Original: Arabic]
[25 March 2002]

This report is submitted within the framework of the request contained in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons that all States parties to the Treaty, particularly the nuclear-weapon States, the States of the Middle East and other interested States should report through the United Nations Secretariat to the President of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, as well as to the chairpersons of the Preparatory Committee meetings to be held in advance of that Conference, on the steps that they have taken to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 Resolution on the Middle East.

The Hashemite Kingdom of Jordan has acceded to the Treaty on the Non-Proliferation of Nuclear Weapons and has also signed the International Atomic Energy Agency (IAEA) comprehensive safeguards agreement and the IAEA additional protocol on safeguards.

1. This serious and committed position of the Hashemite Kingdom of Jordan reflects full conviction of and absolute adherence to rejection of the nuclear option, particularly in the Middle East, as well as clear-cut obligations to and participation in promoting the achievement of a nuclear-weapon-free zone in the Middle East.

2. The Jordanian Government is participating in efforts to elaborate a draft treaty making the Middle East a zone free from weapons of mass destruction, first and foremost nuclear weapons, within the framework of the League of Arab States.

3. The Jordanian Government participates in the working group on arms control and Regional Security established by the Madrid Peace Conference and attaches importance to the inclusion on its agenda of an item concerning the achievement of a nuclear-weapon-free zone in the Middle East.

4. The delegation of Jordan, together with other Arab delegations, annually introduces an item on the risk of nuclear proliferation in the Middle East in the United Nations General Assembly. The relevant resolution has, year after year, been adopted by an increasing majority, up to the fifty-sixth session of the General Assembly.

5. The delegation of Jordan and the delegations of the other Arab States participate, within the framework of the meetings of the IAEA General Conference, in the introduction of a resolution on the application of IAEA safeguards in the Middle East, which is annually adopted by consensus.

The Government of the Hashemite Kingdom of Jordan stresses the need to implement the provisions of the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the importance of the five nuclear-weapon States' reporting on the efforts that they have made for the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East.

The Middle East is a region beset by manifest tension, and the attention of the international community should be focused on laying the essential groundwork for the elimination of this tension, particularly with regard to the nuclear problem, in view of the fact that there is one State in the region, namely, Israel, that continues to possess nuclear capabilities and does not place its facilities under the comprehensive IAEA safeguards system and that this stands in the way of the achievement of a nuclear-weapon-free zone in the Middle East, especially as all States of the Middle East have acceded to the Treaty on the Non-Proliferation of Nuclear Weapons.

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 Resolution in the Middle East

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Reports received from States parties

Canada

[Original: English]
[4 April 2002]

1. As noted elsewhere, at the fifty-sixth session of the United Nations General Assembly, Canada supported the First Committee resolution on the establishment of a nuclear-weapon-free zone in the region of the Middle East. While Israel maintains a policy of nuclear ambiguity, it is widely assumed to have developed a significant nuclear weapons capability. Canada has stated that it is convinced that this programme is not in the long-term interests of Israel, of regional stability and of global security. Canada has called upon Israel to accede to the Non-Proliferation Treaty as a non-nuclear-weapon State.

2. Canada has also called for full adherence and compliance with the Treaty by States parties in the region, and notes that seven States in the region have not concluded comprehensive safeguards agreements with the International Atomic Energy Agency. Canada has also called upon Iraq to provide immediate, unconditional and unrestricted access to inspection teams of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC). In this regard, Canada hosted a five-week training course in May-June 2001 for inspectors attached to UNMOVIC.

3. Canada is a strong supporter of the Middle East peace process and plays a role in the multilateral aspect of this process as Chair of the Refugee Working Group. Canada has endorsed the Mitchell report and Tenet workplan as the path to ending violence and beginning negotiations between the Israelis and the Palestinians and has called upon both parties to follow the recommendations set out therein.

China

[Original: Chinese]
[7 April 2002]

China has always attached great importance to the promotion of the Middle East peace process and has actively supported the establishment of a nuclear-weapon-free zone in the Middle East. Pursuant to the provisions of the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the steps taken by China to promote the Middle East peace process and the establishment of a nuclear-weapon-free zone in the Middle East are as follows:

I. Actively encouraging the parties concerned to promote the Middle East peace process in the spirit of reconciliation

As far as the Middle East problem is concerned, China has always taken the position of upholding justice, not seeking self-interest and basing its judgement on the rights and wrongs of the case. Proceeding from an impartial stand, China has always adopted a policy of promoting peace, and maintained that the Middle East problem should be solved in the spirit of reconciliation. During his telephone conversation on the Middle East problem with President Mubarak in September 2001, President Jiang Zemin emphasized that "we have been persistent promoters of peace, and we believe the only right way to solve the Middle East problem is through peaceful negotiation".

In this spirit, China has always been concerned with developments in the Middle East, truly hoped that progress can be achieved in the peace process, and been unwilling to see the results attained in the peace talks during the past 10 years come to naught. China is gravely concerned and alarmed by the heavy casualties inflicted by the continuous violence and conflicts between the Israelis and the Palestinians. China is opposed to any terrorist activities aimed at civilian populations, and supports all efforts that are conducive to relaxing tension in the region. China calls on both sides to exercise restraint and remain calm, take practical measures that will help to defuse tension, and create conditions for the early resumption of peace talks.

The core element of China's position on resolving the Middle East problem is the spirit of reconciliation. Guided by this, China has made untiring efforts to promote the resolution of the Middle East problem. The leaders of Middle Eastern countries have expressed their appreciation for the efforts made by China to settle conflicts between the Israelis and the Palestinians, and hope China can play a bigger role in relaxing tension in the region and resuming peace talks between the Israelis and the Palestinians.

II. Using different forms of bilateral contacts to promote the resolution of the Middle East problem

China has, through various forms of bilateral contacts with the parties concerned, made substantial efforts to help the parties concerned resolve the Middle East problem peacefully. These efforts are outlined as follows:

(1) Mediating the peace process during bilateral summit meetings with the Arabs and Israelis

Bilateral visits between China and Middle Eastern countries have been very frequent. President Arafat has visited China 14 times, President Mubarak 6 times, the new king of Jordan visited China twice after he assumed the throne, and the leaders of Israel have visited China many times. Chinese leaders have also visited the Middle East many times. In April 2000, Chinese President Jiang Zemin visited Palestine, Israel and Egypt.

China has always attached great importance to taking a mediating role during bilateral summit meetings with the parties concerned. When the Middle East peace process was making progress, China expressed its appreciation of the efforts made by the parties concerned, and encouraged them to continue the process so as to further its scope and depth. Following the abrupt increase in tension in the Middle East in September 2000, China continuously advised the parties concerned that the use of force and confrontation would only deepen mutual hatred and opposition, while dialog and negotiation were the right way to resolve disputes. China called on both sides to exercise restraint, actively cooperate with the mediating efforts of the international community, cease the present conflict and resume peace negotiations. During the meetings of President Jiang Zemin with Jordanian King Abdallah II and Egyptian President Mubarak in January 2000, the discussion focused on the Middle

East question, explored various options for the restoration of peace in the Middle East, and tried to promote early resolution of the Middle East problem.

(2) Striving to relax tension in the Middle East through telephone conversations and written correspondence

Whenever major negative developments have occurred in the Middle East, Chinese leaders always engage in telephone conversations with leaders in the region, urging them to exercise restraint, prevent escalation of the conflict, and maintain stability in the region. Especially since the recent deterioration of the situation in the Middle East, President Jiang Zemin has conducted many telephone conversations with leaders of the Middle Eastern countries. Foreign Minister Tang Jiaxuan has also repeatedly made telephone calls to the Palestinian and Israeli leaders, explaining to them the views of China on the current situation in the Middle East, expressing deep concern regarding the continued deterioration of security in the region, calling on the two sides to exercise restraint and take effective measures to prevent further deterioration of the situation, and create conditions conducive to the early resumption of peace talks. Chinese leaders have also made use of their correspondence with leaders of the Middle East to explain the position of China and to mediate between the parties concerned.

(3) Calling for a peaceful resolution of the Middle East problem by making clear the Chinese Government position through such means as statements by official spokesmen

The Chinese Foreign Ministry has been closely following developments in the Middle East situation, and it has made clear the position of the Chinese Government on the current Middle East situation through statements made by its spokesman at appropriate times. It has called for all the parties to renounce military means and to seek a negotiated solution of the Middle East issue. Moreover, on the occasions of the bilateral contacts with non-Middle East countries, China has tried to talk with the countries concerned with a view to bringing about a solution of the Middle East issue through different channels. When President Bush of the United States visited China in February 2002, the Chinese and American sides both covered Middle East issues during their bilateral talks and press conferences, in the hope that the relevant big Powers could create a favourable atmosphere for an early and peaceful resolution of the Middle East issue.

III. Under the auspices of the United Nations, seeking to solve the violent conflict between the Israelis and Palestinians and facilitate the Middle East peace process

China has consistently advocated and supported an active role for the United Nations, in particular the Security Council, in resolving the Middle East issue, and the fulfilment of their mandates under the Charter of the United Nations in quelling the Israeli-Palestinian conflict and maintaining the peace and security of the Middle East region. China holds that a negotiated political solution of the Israeli-Palestinian issues through peaceful means should be achieved in accordance with the relevant resolutions of the United Nations and the principle of "land for peace" established during the Madrid conference. Moreover, the effective implementation of the agreements by the parties concerned and the understandings among them is a key precondition for building mutual confidence and stabilizing the situation so as to move towards a lasting peace.

The Chinese Government has made its own efforts to promote the Middle East peace process and put an end to the Israeli-Palestinian violent conflict. China has actively supported, joined in the consensus on or voted for the resolutions on the Middle East issue adopted by successive sessions of the General Assembly, and, during the discussion in the Security Council, the draft resolution sponsored by the group of the Non-Aligned Movement on sending United Nations military observers. China has also participated in the consultations of successive emergency special sessions of the General Assembly on the Middle East issue and voted for the relevant resolutions. China has always supported and actively participated in the efforts of the United Nations to resolve the Middle East issue. Over the years, China has continued to provide contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and has tried its best to help the Palestinian refugees. On March 12, 2002, the Security Council adopted resolution 1397 concerning the Middle East; China actively participated in adopting the resolution and voted in favour of it. China has also called on Israel to implement unconditionally Security Council resolution 1402, fully withdraw its troops from Palestinian areas and resolve the issues through peaceful means.

IV. Supporting the efforts to establish a nuclear-weapon-free zone in the Middle East

China has consistently supported the efforts by the countries in the areas concerned to establish a nuclear-weapon-free zone on the basis of voluntary consultations. In the statement issued by China when it acceded to the Treaty on the Non-Proliferation of Nuclear Weapons as early as 1992, China solemnly called on "All nuclear weapon states [to] commit themselves to supporting the proposition of establishing nuclear-weapon-free zones and respect the status of nuclear-weapon-free zone by assuming appropriate obligations". We maintain that Israel should accede to the Treaty on the Non-Proliferation of Nuclear Weapons and place all its nuclear facilities under the comprehensive safeguards of the International Atomic Energy Agency, thus realizing the goal of universal adherence to the Treaty by all the countries in the Middle East.

China endorses the provision of Article 7 of the Treaty on the Non-Proliferation of Nuclear Weapons which states, "nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories". China also supports resolution 49/71 adopted by the General Assembly in 1994 on establishing a nuclear-weapon-free zone in the Middle East, and the relevant provisions concerning a nuclear-weapon-free zone in that region in the "Decision on the Middle East Issue" by the NPT Review Conference in 1995. China is of the opinion that establishing nuclear-weapon-free zones is conducive to strengthening the international regime of nuclear non-proliferation. It also believes that there will be greater risks of nuclear proliferation in those areas where the situation is tense. China has always held that establishing a nuclear-weapon-free zone in the Middle East can contribute to relaxing tensions in that region and giving impetus to resolving the Middle East issue. Therefore, China has given clear support to the proposition of establishing a nuclear-weapon-free zone in the Middle East ever since the proposition was first made.

The Security Council of the United Nations has adopted several resolutions calling for establishing a nuclear-weapon-free zone in the Middle East, which China has always supported by voting in favour of them. Meanwhile, China has also worked at the bilateral level to actively promote the establishment of a nuclear-weapon-free zone in the Middle East. At high-level meetings between the Chinese leaders and the leaders of various countries in the Middle East, China has commended the efforts made by all countries in establishing a nuclear-weapon-free zone in the region and has consistently adhered to its clear position of supporting the establishment of a nuclear-weapon-free zone there. Together with the rest of the international community, China is ready to continue making its efforts and contributing to the achievement of peace in the Middle East and an early establishment of a nuclear-weapon-free zone in that region.

Morocco

[Original: French]
[3 April 2002]

1. Morocco acceded to the Treaty on the Non-Proliferation of Nuclear Weapons in 1970 and fully endorses its principles and purposes.

2. Pursuant to article III of the Treaty, Morocco concluded a safeguards agreement with the International Atomic Energy Agency (IAEA) in 1975, even though it has no nuclear capability.

3. Morocco was one of the first countries to call for the establishment of a nuclear-weapon-free zone in the Middle East, because it considers the existence of such a zone to be not only a necessary measure to prevent proliferation and insecurity in the region but also an international goal and a factor for building global peace and security.

4. The Kingdom of Morocco has consistently supported the adoption by the General Assembly of the United Nations of the two resolutions entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East" (A/RES/39/54) and "The risk of nuclear proliferation in the Middle East" (A/RES/52/41).

5. Morocco has signed the Treaty on the Nuclear-Weapon-Free Zone in Africa (Pelindaba Treaty) and strongly supports the establishment of such zones where they do not exist.

6. Within the League of Arab States, Morocco is taking part in the development of technical and legal mechanisms for establishing a zone free of weapons of mass destruction in the Middle East.

7. Within IAEA, Morocco is actively promoting the application of the Agency's safeguards regime throughout the Middle East region, considering it to be an international security measure which must involve all States.

8. Morocco encourages all States in the Middle East region, including Israel, to conclude general safeguards agreements with IAEA, as an important step towards creating a climate of confidence among the States of the region and a measure preliminary to the establishment of a nuclear-weapon-free zone in the Middle East.

9. Morocco has contributed to promoting confidence-building measures between the States parties to the conflict in the Middle East, inter alia, by taking part in the

activities of the multilateral working group responsible for regional security and disarmament issues in the Middle East.

10. The establishment of a nuclear-weapon-free zone in the Middle East region requires that the only State in the region that is not yet a party to the Non-Proliferation Treaty, namely Israel, should be able to accede to it and place its nuclear facilities under the IAEA safeguards regime.

11. The Kingdom of Morocco is taking sustained action at both the regional and the international level to make all States of the region aware of the need to commit themselves to the establishment of a zone free of weapons of mass destruction in the Middle East.

12. The Kingdom of Morocco continues to reiterate its call to the nuclear Powers, particularly the depositaries of the Treaty on the Non-Proliferation of Nuclear Weapons, the international community and the international organizations to assume their respective responsibilities with regard to the establishment of a nuclear-weapon-free zone in the Middle East region.

Sweden

[Original: English]
[5 April 2002]

The establishment of a nuclear-weapon-free zone, prevention of the proliferation of weapons of mass destruction and application of IAEA safeguards

1. After the 2000 Review Conference, during the fifty-fifth and fifty-sixth sessions of the United Nations General Assembly, Sweden voted in favour of the resolution calling for the establishment of a nuclear-weapon-free zone in the region of the Middle East (resolutions 55/30 and 56/21). This resolution calls upon all countries of the region that have not done so, pending the establishment of the zone, to agree to place their nuclear activities under International Atomic Energy Agency (IAEA) safeguards.

2. Sweden also voted in favour of the resolution entitled "The risk of nuclear proliferation in the Middle East" (resolutions 55/36 and 56/27). This resolution reaffirms the importance of Israel's accession to the Treaty on the Non-Proliferation of Nuclear Weapons and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East.

Security Council resolution 687 (1991), and in particular paragraph 14

3. In 1991, the Security Council set up a Special Commission to investigate the extensive Iraqi programmes on weapons of mass destruction. This task is now taken over by the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) as provided for in Security Council resolution 1284 (1999). In 1999, the Secretary-General of the United Nations appointed Dr. Hans Blix of Sweden to be the Commission's Executive Chairman.

4. In February 2002, the Swedish Minister for Foreign Affairs, Ms. Anna Lindh, made a statement in the Conference on Disarmament and called upon all States remaining outside the Non-Proliferation Treaty to accede to the Treaty as non-nuclear-weapon States and to place their facilities under comprehensive safeguards agreements with the International Atomic Energy Agency.

5. The Foreign Minister also stated that Iraq has not fulfilled its obligations and still refuses to allow UNMOVIC access. Ms. Lindh called upon Iraq to comply with its obligations under the Charter of the United Nations and resolution 1284 (1999) to allow the international community to verify that there are no weapons of mass destruction in the country. She went on to state that the Additional Protocol to the IAEA Safeguards Agreement had been developed as a reaction to the clandestine nuclear weapons programme in Iraq. It is a major accomplishment and will help build trust that all States comply with their non-proliferation commitments. Sweden has completed the ratification procedure and the Protocol will enter into force as soon as the remaining few European Union countries have ratified as planned. Ms. Lindh called upon all States to conclude additional protocol agreements with IAEA.

Middle East peace process

6. Sweden has made several efforts to promote the Middle East peace process. In spring 2000, Sweden hosted talks between the parties concerning final status issues. The results were later used in the Camp David negotiations and in the Taba negotiations. During the Swedish Presidency of the European Union in spring 2001, promoting peace in the Middle East was a priority. The Swedish Prime Minister has visited the region and the Swedish Foreign Minister has visited the region twice, in close coordination with the European Union.

United Kingdom of Great Britain and Northern Ireland

[Original: English]
[5 April 2002]

1. The United Kingdom has consistently supported resolutions in the First Committee of the United Nations General Assembly calling for the establishment of a Middle East nuclear-weapon-free zone. The United Kingdom also supports the First Committee resolution on the risk of nuclear proliferation in the Middle East. In this respect we continue to call upon Israel to accede to the Non-Proliferation Treaty as a non-nuclear-weapon State and to conclude an associated full-scope Safeguards Agreement with the International Atomic Energy Agency (IAEA). We have recently reiterated these messages to Israeli officials, most recently in Jerusalem last June and in London last month.

2. One of our greatest concerns in the region is Iraq's long-standing failure to comply with its United Nations disarmament and monitoring obligations and cooperate with inspectors of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and IAEA. The United Kingdom will remain at the forefront of international efforts to secure full, accurate disclosures of Iraq's illicit ballistic missile, nuclear, chemical and biological weapons programmes. We

believe that the international community cannot afford to ignore this threat. Rigorous United Nations inspections would give the international community welcome assurance that Iraq's programmes no longer pose a threat to regional and global security.

3. The United Kingdom has also taken steps with other countries in the region to establish the conditions for a zone free of weapons of mass destruction. Together with our European Union partners, we have carried out extensive lobbying activity to secure adherence by States in the Middle East to key non-proliferation agreements. Since the last Review Conference of the Parties to the Non-Proliferation Treaty, we have lobbied States in the region on the question of ratification of the Comprehensive Nuclear-Test-Ban Treaty, the Chemical Weapons Convention, the Biological and Toxin Weapons Convention and the IAEA Additional Protocol.

4. We also recognize the impact that the conflict between Israel and the Palestinians has on international efforts to create a weapons-of-mass-destruction-free zone in the region. The United Kingdom is committed to efforts to move the Middle East peace process forward. We are actively engaged in efforts to end the violence, build confidence and resume talks based on Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002) and the principle of "land for peace".

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Saudi Arabia

[Original: Arabic]
[8 April 2002]

The Kingdom of Saudi Arabia affirms its strong commitment to the establishment of a nuclear-weapon-free zone in the Middle East and expresses deep concern at Israel's obstinate refusal to accede to the Treaty on the Non-Proliferation of Nuclear Weapons, thus effectively preventing the establishment of such a zone.

The Kingdom of Saudi Arabia is of the view that the arrangements for the establishment the nuclear-weapon-free zone in the Middle East which are advocated by United Nations resolutions require Israel, as a State which possesses nuclear facilities and a nuclear stockpile, to accede to the Treaty on the Non-Proliferation of Nuclear Weapons, place all its nuclear facilities under the comprehensive safeguards regime of the International Atomic Energy Agency (IAEA) and dismantle its entire stockpile of nuclear weapons.

Israel is the only State in the Middle East which has yet to accede to the Non-Proliferation Treaty, and it must do so if the Middle East region is to become a nuclear-weapon-free zone.

The Kingdom of Saudi Arabia is of the view that the United Nations represents the appropriate framework for serious talks that will allow all the States concerned in the Middle East to take collective action for the establishment of a nuclear-weapon-free zone.

Tunisia

[Original: French]
[10 April 2002]

1. Tunisia has always demonstrated its attachment to the principles of disarmament in general and nuclear disarmament in particular. It believes that nuclear-weapon-free zones play a major part in strengthening the nuclear non-proliferation regime and contribute to the total elimination of all nuclear weapons. On the basis of this position:

- On 26 February 1970, Tunisia acceded to the Treaty on the Non-Proliferation of Nuclear Weapons.
- Tunisia signed a Comprehensive Safeguards Agreement with the International Atomic Energy Agency (IAEA) on 24 February 1989 and ratified it on 12 February 1990. Negotiations are under way for the signing of an additional protocol to that Agreement.
- Tunisia signed a Comprehensive Nuclear-Test-Ban Treaty in 1996.
- It has also signed the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba) and is gratified that the Antarctic Treaty and the Treaties of Tlatelolco, Rarotonga and Bangkok, together with the Treaty of Pelindaba, are continuing to help rid the hemisphere and adjacent areas of the presence of nuclear weapons. In this context, Tunisia welcomes the measures taken with a view to concluding further treaties establishing nuclear-weapon-free zones.
- Tunisia is one of the sponsors of the resolution submitted annually to the General Assembly by Egypt, on behalf of the Group of Arab States, on the risk of nuclear proliferation in the Middle East.
- Tunisia supports the annual General Assembly resolution on the establishment of a nuclear-weapon-free zone in the region of the Middle East.
- At the 1999 substantive session of the Disarmament Commission, Tunisia played an active part in the working group on the establishment of nuclear-weapon-free zones, which adopted by consensus a report calling for, inter alia, the establishment of such a zone in the Middle East.

2. Considering the importance for international peace and security of stability in the region of the Middle East, Tunisia remains concerned at the lack of progress in establishing a nuclear-weapon-free zone in the Middle East and in the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

That resolution is an integral part of the decision on the indefinite extension of the Treaty.

3. Despite the accession of all the countries of the region without exception to the Non-Proliferation Treaty, Israel, a nuclear-weapon State, remains the only country that refuses to accede to the Treaty and unconditionally to subject all its nuclear facilities to comprehensive IAEA safeguards. The position taken by Israel is an obstacle to disarmament efforts in general and to the establishment of a lasting peace in the Middle East. It is reflected in the excessive militarization pursued by Israel, which also possesses other weapons of mass destruction.

4. It is incumbent upon all States parties to the Non-Proliferation Treaty, particularly the nuclear-weapon States, to put their commitments into practice in order to achieve the goals and objectives of the 1995 Resolution on the Middle East and give effect to the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

NPT/CONF.2005/PC.I/3/Add.3

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United States of America

[Original: English]
[8 April 2002]

The United States of America welcomes the opportunity to provide information on steps it has taken to promote the environment necessary to encourage nations to establish an effectively verifiable Middle East zone free of weapons of mass destruction and the realization of the goals and objectives of the 1995 NPT resolution on the Middle East. In order to promote the environment necessary for achieving an effectively verifiable Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems, the United States has focused on three objectives: (1) Supporting the Middle East peace process; (2) ensuring that States parties are in compliance with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT); and (3) strengthening other international non-proliferation treaties and regimes.

1. *Support for the Middle East peace process.* Achievement of a comprehensive, just, and lasting peace in the Middle East remains a key United States foreign policy goal. The United States believes that attainment of this goal will in turn facilitate dialogue on the vast array of complex issues that surround the establishment of a regional zone free of all weapons of mass destruction. President Bush and Secretary Powell have articulated an American vision of an eventual Palestinian State alongside Israel, at peace with each other and within secure and recognized borders. This political settlement would be negotiated between Israel and the Palestinians. The United States vision for the region is reflected most recently in United Nations Security Council resolution 1397 (2002) of 12 March 2002, sponsored by the United States and reaffirmed by other world leaders including Saudi Arabia's Crown Prince Abdullah, and remains consistent with Security Council resolutions 242 (1967) and 338 (1973).

Furthermore, the United States welcomed the Arab League's endorsement of Saudi Arabia's vision of a negotiated settlement and full normalization with Israel. President Bush recently sent General Anthony Zinni (retired) to the region for his third trip, this time to put a ceasefire in place and help the parties begin implementation of the Tenet security work plan as first step towards full implementation of the Mitchell Committee recommendations and the resumption of a political process. That political process is also anchored to Security Council resolutions 242 (1967) and 338 (1973), and the principles of the 1991 Madrid peace conference. The President has made clear he is committed to working with United States partners in the region and around the world in pursuit of these goals. On 4 April, President Bush announced he was sending Secretary Powell to the Middle East for consultations with regional leaders.

2. *Ensuring that all countries comply with the NPT.* An array of nuclear non-proliferation challenges exist in the Middle East. At the 2000 NPT Review Conference, the United States expressed concern regarding non-compliance with the Treaty. There is little hope of, and even less utility in, establishing an agreement to create a zone free of weapons of mass destruction if we cannot ensure that nations implement and uphold agreements to which they are party. Non-compliance issues are our highest priority and need to be addressed directly since they affect the core substance of the NPT and continue to bear directly on the prospects of attaining a zone in the Middle East free of weapons of mass destruction. In fact, the entire effort surrounding arms control agreements is brought into question by unchallenged violations. Because it takes arms control seriously, the United States cannot ignore violations of the NPT, now or in the future. All NPT parties need to act with resolve in response to any such challenge to the Treaty.

The Iraqi nuclear weapon programme violated article II of the NPT. Its construction of secret facilities, including a facility for nuclear weapon development and assembly, contributed to its violation of article II. Iraq's failure to apply safeguards to the nuclear material used in its nuclear weapons programme also constituted a violation of article III of the NPT, which requires that safeguards be applied "with a view to preventing diversion of nuclear energy from peaceful purposes to nuclear weapons of other nuclear explosive devices". Security Council resolution 707 (1991), of 15 August 1991, concluded that Iraq's non-compliance with its obligations under its safeguards agreement constitutes a violation of its commitments as a party to the NPT. Subsequent Security Council resolutions have reaffirmed this resolution.

In his January 2002 State of the Union address, President Bush stated: "The Iraqi regime has plotted to develop anthrax, and nerve gas, and nuclear weapons for over a decade. This is a regime that has used poison gas to murder thousands of its own citizens — leaving the bodies of mothers huddled over their dead children. This is a regime that agreed to international inspections — then kicked out the inspectors. This is a regime that has something to hide from the civilized world."

In his October 2001 letter to the President of the United Nations Security Council, IAEA Director General ElBaradei stated that, lacking inspectors in Iraq, the Agency "... is not able at present to provide any assurance that Iraq is in compliance with its obligations under these [Security Council] resolutions. Clearly, the longer the suspension of resolution-related inspections lasts, the more difficult it will be and the more time will be required for the Agency to re-establish a level of knowledge comparable to that achieved at the end of 1998."

The United States will continue to press its concerns about Iraq and will work to facilitate an atmosphere of security and stability in the region. In pursuing these objectives, the United States has and will continue to work with the Security Council to:

- Adopt a new Goods Review List (GRL) and associated implementation procedures that will focus sanctions on items of military use that would contribute most to Iraq's efforts to rearm; and
- Work for full, unconditional and immediate Iraqi compliance with all applicable Security Council resolutions, including active cooperation with United Nations-mandated weapons inspection and monitoring teams.

The United States is also concerned about other NPT parties in the Middle East region whose ostensible commitments to the NPT are belied by their covert programmes to acquire a nuclear weapon capability. We urge all NPT parties to avoid nuclear cooperation with these countries and underscore the absolute importance of abiding by their Treaty obligations.

Other United States actions to promote compliance with the NPT in the Middle East and elsewhere include supporting the strengthening of IAEA safeguards, the negotiation and entry into force of Additional Safeguards Protocols, and the adoption of NPT safeguards agreements. Most NPT States parties in the Middle East have brought into force the required full-scope safeguards agreement with IAEA, and one State party has brought into force an Additional Protocol. However, several countries in the region have still not concluded the safeguards agreements with IAEA required by the NPT, and it is essential that each do so as soon as possible.

3. *Other efforts to strengthen non-proliferation treaties and regimes.* The United States continues to encourage the creation of a regional environment that allows for broader acceptance by all Middle East States of multilateral non-proliferation and disarmament norms and international standards, including:

- promoting universal adherence to the NPT;
- encouraging entry into force of IAEA full-scope safeguards agreements and adoption of IAEA Additional Protocols;
- promoting adherence to Missile Technology Control Regime (MTCR) and Australia Group guidelines;
- promoting adherence to the Chemical Weapons Convention;
- promoting adherence to the Biological Weapons Convention (BWC) and support for effective BWC implementation procedures; and
- promoting support for a verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

In addition, the United States continues to urge supplier States, both bilaterally and in international forums, to refrain from exporting any weapons of mass destruction, missiles or related materials, equipment and technologies, as well as destabilizing advanced conventional weapons to countries in the Middle East, including those that support terrorism.

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

16 April 2002

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Steps to promote the achievement of a Nuclear-Weapon-Free Zone in the Middle East and the realization of the goals and objectives of the 1995 Resolution on the Middle East

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Japan

[Original: English]
[15 April 2002]

1. Japan supported, and continues to fully support, the 1995 Resolution on the Middle East, which calls for the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems. Japan also joined, at the fifty-sixth session of the United Nations General Assembly, the consensus adoption of resolution 56/21 of 29 November 2001, entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East", which refers to the establishment of a zone free of weapons of mass destruction.

2. The establishment of a zone free of nuclear and all other weapons of mass destruction and their delivery systems in the Middle East will ultimately require the adherence by all States in the region to the Treaty on the Non-Proliferation of Nuclear Weapons, the Biological Weapons Convention and the Chemical Weapons Convention. Japan has been taking part in the international efforts to encourage the universal adherence to these multilateral legally binding instruments on the disarmament of weapons of mass destruction.

3. It is no less important that compliance with those legal instruments should be fully assured. In that regard, Japan has been exerting its efforts to promote and facilitate the conclusion and entry into force of the International Atomic Energy Agency safeguards agreements and additional protocols.

4. The adherence to the Comprehensive Nuclear-Test-Ban Treaty by all States in the region would also be a substantial practical step. Japan has also been exerting its utmost efforts to promote the adherence to the Treaty by all States, especially those States whose ratifications are required for its entry into force.

Libyan Arab Jamahiriya

[Original: Arabic]
[9 April 2002]

1. The Great Socialist People's Libyan Arab Jamahiriya has long attached extreme importance to the question of the establishment of a nuclear weapon free zone in the Middle East, inasmuch as it has been a party to the Treaty on the Non-Proliferation of Nuclear Weapons since 1975 and is also a party to the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba). Moreover, all the States of the Middle East are parties to the Non-Proliferation Treaty, with the exception of Israel, the only country in the Middle East which has not yet acceded to the Treaty and none of whose nuclear facilities are placed under the safeguards system of the International Atomic Energy Agency (IAEA). As a result of this situation of imbalance in the Middle East region, which is fraught with constant political tension, the States parties to the Non-Proliferation Treaty in 1995 adopted a resolution on the Middle East submitted jointly by the depositary Governments of the Treaty, namely, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The Resolution stressed, among other things, the establishment of a nuclear-weapon-free zone in the Middle East and the role of the international community in that regard. It also reaffirmed the importance of the early realization of universal adherence to the Treaty and called upon all States in the Middle East that had not yet done so, without exception, to accede to the Treaty as soon as possible and to place their nuclear facilities under full-scope International Atomic Energy Agency safeguards. It furthermore called upon all States in the Middle East to take practical steps aimed at making progress towards the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction. Moreover, it called upon all States parties to the Non-Proliferation Treaty, and in particular the nuclear-weapon States, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment of such a zone.

2. The Great Socialist People's Libyan Arab Jamahiriya, given the extremely high priority it thus accords to the question of the establishment of a

nuclear-weapon-free zone in the region of the Middle East and to contributing to the achievement of the goals and objectives of the related 1995 Resolution, has taken numerous measures towards the establishment of such a zone, aimed at the elimination of nuclear weapons from the region and at effective participation in the promotion and maintenance of international peace and security in the region. Those steps are as follows:

(a) At the national level:

(i) Accession to the Treaty on the Non-Proliferation of Nuclear Weapons in 1975;

(ii) Conclusion of a Comprehensive Safeguards Agreement with the International Atomic Energy Agency;

(iii) Signing of the African Nuclear-Weapon-Free Zone Treaty;

(iv) Signing of the Comprehensive Nuclear-Test-Ban Treaty on 13 November 2001;

(b) At the regional level:

Participation by Libya in the discussion and drafting, within the framework of the League of Arab States, of a treaty to make the Middle East a nuclear-weapon-free zone;

(c) At the international level:

- Constant reaffirmation of the extreme importance of establishing a zone free of nuclear weapons and all weapons of mass destruction. This has been clearly evident at numerous related international events and conferences, including the regular and special sessions of the General Assembly of the United Nations;
- Participation, since 1974, in the submission to the General Assembly of a draft resolution on the creation of a nuclear-weapon-free zone in the region of the Middle East, including at the fifty-sixth session of the Assembly;
- Participation with many Arab countries in the submission to the General Assembly of a draft resolution on the risk of nuclear proliferation in the Middle East, calling upon Israel, as the sole country in the Middle East that has not yet acceded to the Treaty on the Non-Proliferation of Nuclear Weapons, to accede to that Treaty without delay;
- **Yearly participation in the submission of a draft resolution on the application of IAEA safeguards in the region of the Middle East, within the context of the General Conference of the International Atomic Energy Agency.**

3. The Great Socialist People's Libyan Arab Jamahiriya will continue its efforts towards the achievement of the goal of establishing a nuclear-weapon-free zone in the Middle East as soon as possible, as an important step towards freeing the region of all weapons of mass destruction. It hopes that all States parties to the Treaty, in particular the nuclear-weapon States, will assume their responsibilities, make every effort and exercise all possible pressure for the realization of the objectives and goals of the 1995 Resolution on the Middle East and the full implementation of the Final Document of the 2000 Review Conference of the Parties.

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Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 Resolution on the Middle East

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* Submitted on behalf of the Group of Arab States.

Reports received from States parties

France

[Original: French]

[16 April 2002]

1. France reaffirms its support for the Resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and for the relevant parts of the Final Document of the 2000 Review Conference (para. 16, subparas. 1-10, of the section on article VII of the Treaty).

2. France reiterates the importance of establishing confidence-building and security measures in the region. The tragic events in the region highlight the importance of continuing to work for the achievement of a zone free of nuclear weapons and weapons of mass destruction in the Middle East. The aims of the peace process, which we hope to see resumed, and of a zone free from nuclear weapons and weapons of mass destruction are interconnected and mutually reinforcing. In the regional context of the Middle East, a combination of the two would be particularly welcome.

3. France has spared no effort to seek to achieve those aims. We have promoted them in the framework of the political and strategic dialogue which we pursue with numerous States of the region. We appeal to all States that have not already done so to sign and ratify the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction as well as the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction. We have also urged Israel to accede to the Non-Proliferation Treaty as part of our efforts to promote universal adherence to that instrument.

4. France voted in favour of the resolutions on the establishment of a nuclear-weapon-free zone in the region of the Middle East adopted by the General Assembly at its fifty-fifth and fifty-sixth sessions. Together with its European Union partners, it also voted in favour of the resolution on the risk of nuclear proliferation in the Middle East.

5. In addition, we have reiterated the need for strict compliance with the provisions of instruments relating to the non-proliferation of weapons of mass destruction on the part of the States parties. We have, for example, supported the efforts of the International Atomic Energy Agency (IAEA) to verify Iraq's compliance with its obligations under the relevant Security Council resolutions.

6. France has also continued to appeal to the States of the region that have not already done so to place all their nuclear activities under IAEA safeguards. We have encouraged the States of the region to sign and ratify additional protocols.

7. General Assembly resolution 50/66 and the relevant parts of the Final Document of the 2000 Review Conference rightly refer to the means of delivery of weapons of mass destruction. This is a matter of legitimate concern for the States of the region, as for all countries. France has done everything in its power, and

continues to strive, to secure universal endorsement of an international code of conduct against the proliferation of ballistic missiles.

Tunisia

[Original: Arabic]

[15 April 2002]

Arab States have taken decisive action in this regard, under the auspices of the League of Arab States. On 27 March 1994, at its 101st regular meeting of ministers, the Council of the League of Arab States adopted resolution No. 5380 providing for the establishment of a high-level technical committee of experts in international law, drawn from Member States and the secretariat, to conduct a joint Arab review of compliance with the Treaty on the Non-Proliferation of Nuclear Weapons after 1995 and to formulate a draft treaty on the establishment of a Middle East zone free of nuclear weapons and weapons of mass destruction. This subject is considered a permanent item on the Council's agenda.

Since its first meeting in 1994, the Committee has emphasized that the Non-Proliferation Treaty, its aims and universal adherence thereto, without exception, are crucial for the international disarmament regime; that security and stability in the Middle East are predicated upon complete disarmament of nuclear weapons and weapons of mass destruction; and that the Arab position vis-à-vis the extension of the Treaty is based on the universality of that instrument.

Through the periodic and regular meetings which it holds for the purpose of drawing up a draft treaty on the establishment of a Middle East zone free of weapons of mass destruction and, most importantly, of nuclear weapons, the Committee has demonstrated its seriousness and willingness to help support the steps taken by the international community to promote non-proliferation and achieve peace and security at the regional and international levels. The Committee held its fifteenth meeting on 12 February 2002.

In spite of this clear and balanced Arab view and of the unified Arab position by which all Arab States have acceded to the Non-Proliferation Treaty and comply fully with the provisions of the Resolution on the Middle East adopted by both the 1995 Review and Extension Conference and, as part of an agreement providing for the indefinite extension of the Treaty, also co-sponsored by the three nuclear depositary States, Israel continues categorically to refuse to accede to the Non-Proliferation Treaty or even to declare its intention of doing so. It also refuses to place its nuclear facilities under the IAEA safeguards system and insists on using outmoded concepts such as the option of nuclear deterrence.

While Arab leaders have, ever since the extraordinary Arab Summit held at Cairo in June 1996, maintained that a just and comprehensive peace is a strategic option to which effect must be given in accordance with international resolutions, Israel has yet to respond to this appeal, which was renewed at the Tenth Arab Summit held at Beirut on 27 and 28 March 2002. The Summit also approved the initiative presented by His Royal Highness Prince Abdullah bin Abdul-Aziz, the Crown Prince of Saudi Arabia.

The Arab peace initiative, which the Arab leaders at Beirut adopted at a time of grave regional and international turmoil, emphasizes that lasting peace and stability in the region can only be achieved if Israel accedes to the Treaty and places all its nuclear installations under the comprehensive IAEA safeguards system. In that regard, the initiative also stresses the extreme importance of ridding the Middle East region of nuclear weapons and all weapons of mass destruction as a necessary and essential condition for the establishment of any future regional security arrangements.

For many years Arab States have been working and taking steps at the international level to try to rid the Middle East of nuclear weapons. I should like to refer to some of these efforts as follows:

At its fifty-sixth session, the General Assembly adopted resolution 56/21 of 29 November 2001 entitled "Establishment of a nuclear-weapon-free zone in the Middle East". This resolution, which was included on the General Assembly's agenda for the first time in 1974 and has been adopted by consensus every year since 1980, aims at eliminating the nuclear-weapon threat from the Middle East.

At its fifty-sixth session, the General Assembly adopted resolution 56/27 of 29 November 2001 entitled "The risk of nuclear proliferation in the Middle East". This resolution is proposed each year by the Arab Republic of Egypt on behalf of all Arab States and enjoys the support of an overwhelming majority of Member States. Inter alia, it calls upon Israel as the only State in the Middle East that has yet to accede to the Non-Proliferation Treaty to do so without further delay and to place all its nuclear facilities under IAEA safeguards with a view to realizing the goal of universal adherence to the Treaty in the Middle East.

At its forty-fifth session, the IAEA General Conference adopted by consensus resolution GC(45)/RES/18 of 21 September 2001 on the implementation of IAEA safeguards in the Middle East, for which it won the support of all Arab States.

This broad-based support for the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East reflects the growing concern of the international community at Israel's defiance of repeated calls for it to accede to the Non-Proliferation Treaty and of numerous international resolutions in that regard, including Security Council resolutions.

We should like to reaffirm those parts of the guidelines issued by the 1999 substantive session of the United Nations Disarmament Commission that pertain to the establishment of a nuclear-weapon-free zone in the Middle East.

This situation prompted the States Parties to the Non-Proliferation Treaty to reaffirm, in the Final Document of the 2000 Review Conference, the importance of the Resolution on the Middle East adopted by the 1995 Review and Extension Conference and to recognize that the resolution would remain valid until its goals and objectives have been achieved. They also determined that the resolution was an essential element of the outcome of the 1995 Review Conference and of the basis on which the Treaty on the Non-Proliferation of Nuclear Weapons was indefinitely extended without a vote in 1995. Consequently this resolution must be regarded as being equally important to and having the same binding force as the resolution providing for the indefinite extension of the Treaty.

In the light of the foregoing, the Arab States take the view that:

- The 2005 review process must undertake a comprehensive assessment of compliance by States parties, particularly nuclear-weapon States that approved the adoption of the 1995 Resolution on the Middle East, and implementation of the pledges which they made at the 1995 Review and Extension Conference and renewed at the 2000 Review Conference;
- It is necessary to stress that the continuation of the Israeli nuclear programme outside the framework of the non-proliferation regime and Israel's refusal to accede to the Treaty or place all its nuclear installations under the IAEA safeguards system pose a direct threat to regional and international security and stability and undermine the credibility of the Treaty.
- The 2005 Review Conference must endeavour to create mechanisms for the implementation of the 1995 Resolution on the Middle East and to monitor the implementation of the recommendations made by the 2000 Conference of the Parties towards that end, with a view to achieving all of its aims and purposes.

The Arab States stress that all States Parties to the Treaty, particularly nuclear States, must take decisive action to rid the Middle East region of nuclear weapons and all weapons of mass destruction.

This request is a joint position and a firm belief of all Arab States, which are determined to eliminate nuclear weapons and all weapons of mass destruction from the Middle East. The Arab States will continue their efforts to realize that noble goal, thereby making a positive and important contribution to the establishment of peace in the Middle East, a region which, particularly at the present time, is fraught with tension and tragedy as a result of Israeli practices in the occupied Palestinian territories, including Jerusalem, the occupied Syrian Golan and the occupied territories in southern Lebanon.

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Qatar

[Original: Arabic]
[16 April 2002]

The State of Qatar is submitting this report in response to the request made in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons that States parties to the Treaty should report through the United Nations Secretariat to the President of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, as well as to the Chairperson of the Preparatory Committee meetings, on steps taken to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East.

1. The State of Qatar supports the establishment of a zone free of weapons of mass destruction in the Middle East.

2. The State of Qatar acceded to the Treaty on the Non-Proliferation of Nuclear Weapons on 3 April 1989.

3. In the framework of the League of Arab States, the State of Qatar is participating in the elaboration of a draft treaty establishing in the Middle East a zone free of weapons of mass destruction and, in particular, nuclear weapons.

4. The State of Qatar shares the position taken by States parties at the 2000 Review Conference urging Israel to accede to the Treaty and place its nuclear facilities under the International Atomic Energy Agency full-scale safeguards regime so as to achieve the goal of universal adherence to the Treaty and realize the aspiration for the establishment of a nuclear-weapon-free zone.

NPT/CONF.2005/PC.II/6

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

24 April 2003
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Second session
Geneva, 28 April-9 May 2003

Report by the Kingdom of Morocco on the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons and the 1995 resolution on the Middle East

I. Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons and of paragraph 4 (c) of the 1995 decision on the principles and objectives for nuclear non-proliferation and disarmament

1. The Kingdom of Morocco remains committed to general and complete disarmament and in particular to nuclear disarmament. Since its accession to the Treaty on the Non-Proliferation of Nuclear Weapons in 1970, it has constantly worked for the total elimination of nuclear weapons and their non-proliferation. Morocco believes that the Non-Proliferation Treaty is the cornerstone of the nuclear non-proliferation regime and a key instrument for the maintenance of peace and security in the world. It has therefore always supported initiatives aimed at strengthening the authority of this regime and promoting its universality.

2. In implementation of the Treaty, Morocco concluded a safeguards agreement with the International Atomic Energy Agency (IAEA) as of 1975 and has undertaken the domestic procedure for signing an additional protocol.

3. At the level of the General Assembly, Morocco has always supported the adoption of resolutions for the promotion of nuclear disarmament and non-proliferation.

4. As a Contracting Party, the Kingdom of Morocco has consistently supported the decisions aimed at strengthening the review process of the Treaty.

5. The new international security situation resulting from the events of 11 September 2001 demonstrated the enormous importance of the Non-Proliferation Treaty and the need to preserve its strength and credibility in order to confront the threats associated with nuclear terrorism, weapons of mass destruction and their means of delivery. Morocco believes that the strengthening of the multilateral regime of the Non-Proliferation Treaty remains a necessary measure to combat the

illicit proliferation of nuclear devices and materials and their possession by terrorists.

6. Morocco has ratified the Convention on the Physical Protection of Nuclear Materials.

7. Morocco stresses the crucial importance of respect by all States Parties for the provisions of the Non-Proliferation Treaty and the obligations arising from it.

8. Morocco, which supports a total ban on nuclear tests, has signed and ratified the Comprehensive Nuclear-Test-Ban Treaty. It deplores the fact that this Treaty, which was opened for signature on 24 September 1996, has still not entered into force. In this respect, it reiterates its appeal to all States which have not yet done so to accede to the Treaty without delay. It stresses the importance of respect for the moratoriums on nuclear tests and of the convening of conferences in order to facilitate the entry into force of the Treaty.

9. Morocco reaffirms the inalienable right of the States Parties to the Treaty to carry out research and develop the production and utilization of nuclear energy for peaceful purposes, particularly through international cooperation under IAEA monitoring.

10. Morocco endorses action to overcome obstacles in the work of the Conference on Disarmament, and continues to support the undertaking of negotiations for the formulation of a treaty on fissile material, a legal instrument on negative security assurances and a convention on nuclear disarmament.

11. Morocco fully supports the positive conclusions of the Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons of 2000, and reaffirms the importance of their implementation by the States Parties, in a transparent and irreversible manner.

II. Implementation of the 1995 resolution on the establishment of a nuclear-weapon-free zone in the Middle East

1. The Kingdom of Morocco remains convinced that the establishment of nuclear-weapon-free zones contributes to the strengthening of the nuclear non-proliferation regime. For that reason, it has always supported the establishment of such zones where they did not exist.

2. Morocco was one of the first countries to call for the establishment of a nuclear-weapon-free zone in the Middle East, because it believes that the existence of such a zone is not only a necessary measure to banish proliferation and insecurity in this region, but also an international objective and a factor in the consolidation of peace and security in the world.

3. At the level of the League of Arab States, Morocco is participating in the development of a legal and technical mechanism for the establishment of a zone free from weapons of mass destruction in the Middle East.

4. Within IAEA, Morocco is engaged in promoting the application of the safeguards regime throughout the Middle East region, because it believes that this is an international security measure which should affect all States of the world.

5. Morocco encourages the conclusion by all States of the Middle East region, including Israel, of comprehensive safeguards agreements with IAEA, as an important step towards the creation of a climate of trust between the States of the region, and a preliminary measure for the establishment of a nuclear-weapon-free zone in the Middle East.

6. Morocco has helped promote confidence-building measures between the States parties to the conflict in the Middle East, particularly by participating in the work of the Multilateral Working Group on Arms Control and Regional Security.

7. The establishment of a nuclear-weapon-free zone in the Middle East requires that the only State of the region — Israel — which is not yet a party to the Non-Proliferation Treaty should accede to it and submit its nuclear installations to the IAEA safeguards regime. This concern was specifically mentioned in the decisions of the review conferences of the Non-Proliferation Treaty held in 1995 and 2000.

8. Morocco stresses the need for all the parties concerned to take concrete measures, as a matter of urgency, for the establishment of a nuclear-weapon-free zone in the Middle East region, and pending the establishment of such a zone, to declare solemnly their intention to refrain, on the basis of reciprocity, from manufacturing, acquiring or in any other way possessing nuclear weapons and nuclear explosive devices and not to allow the emplacement of nuclear weapons in their territories by any third party.

9. Morocco believes that appropriate security measures should be established for nuclear installations.

10. The Kingdom of Morocco is conducting sustained action, at both regional and international levels, to encourage all the States of the region to undertake the establishment of a zone free from weapons of mass destruction in the Middle East.

11. The Kingdom of Morocco constantly reiterates its appeal to the nuclear Powers, and particularly to the depositaries of the Non-Proliferation Treaty, to the international community and to international organizations to rise to their responsibilities for the achievement of a nuclear-weapon-free zone in the Middle East.

Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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STEPS TAKEN DURING THE PAST YEAR TO PROMOTE THE ACHIEVEMENT OF A NUCLEAR-WEAPON-FREE ZONE IN THE MIDDLE EAST AND THE REALIZATION OF THE GOALS AND OBJECTIVES OF THE 1995 RESOLUTIONS ON THE MIDDLE EAST

Report submitted by Egypt

General

Pursuant to the report submitted by Egypt to the First Session of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (document NPT/CONF.2005/PC.I/3), Egypt has the honour to submit this follow-up report, which sets forth the steps Egypt has taken during the past year to promote the realization of the goals and objectives of the 1995 resolution on the Middle East.

I. Introduction

Since the First Session of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Egypt has worked continuously to realize the goals and objectives of the 1995 resolution on the Middle East.

In this context, the establishment of a nuclear-weapon-free zone in the Middle East has remained an item of high priority on Egypt's diplomatic agenda, after nearly 30 years of efforts to rid the Middle East of nuclear weapons and of weapons of mass destruction.

II. Egyptian efforts at the international level

As in past years, Egypt submitted a resolution (57/55) to the General Assembly of the United Nations at its fifty-seventh session on the establishment of a nuclear-weapon-free zone in the region of the Middle East. The resolution, which was adopted without a vote, "urges all parties directly concerned to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the

Middle East in accordance with the relevant resolutions of the General Assembly, and, as a means of promoting this objective invites the countries concerned to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons". The resolution furthermore "invites the nuclear-weapon States and all other States to render their assistance in the establishment of the zone ..."

Egypt, acting on behalf of the States Members of the United Nations that are Members of the League of Arab States, also submitted a resolution (57/97) entitled "The risk of nuclear proliferation in the Middle East", which was adopted by an overwhelming majority of States Members. The resolution "reaffirms the importance of Israel's accession to the Treaty on the Non-Proliferation of Nuclear Weapons and placement of all its nuclear facilities under comprehensive International Atomic Energy Agency safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East". The resolution also calls upon Israel "to accede to the Treaty on the Non-Proliferation of Nuclear Weapons without further delay and not to develop, produce, test or otherwise acquire nuclear weapons, and to renounce possession of nuclear weapons, and to place all its unsafeguarded nuclear facilities under full-scope International Atomic Energy Agency safeguards as an important confidence-building measure among all States of the region and as a step towards enhancing peace and security".

On Egypt's initiative, the General Conference of the International Atomic Energy Agency at its forty-sixth session, once again adopted by consensus, a resolution (GC(46)/RES/16) entitled "Application of IAEA Safeguards in the Middle East". The resolution "affirms the urgent need for all States in the Middle East to forthwith accept the application of full-scope Agency safeguards to all their nuclear activities as an important confidence-building measure among all States in the region and as a step in enhancing peace and security in the context of the establishment of a nuclear-weapon-free zone (NWFZ)". The resolution also "calls upon all parties directly concerned to consider seriously taking the practical and appropriate steps required for the implementation of the proposal to establish a mutually and effectively verifiable NWFZ in the region ..." and upon all States "especially those with a special responsibility for the maintenance of international peace and security, to render all assistance to the Director-General by facilitating the implementation of this resolution".

The support of the international community for the three aforementioned resolutions is evidence of the world's continuing concern about the risk of nuclear proliferation in the Middle East and the sense of urgency surrounding this issue. Egypt regrets, however, that little has been done to translate this sense of urgency into concrete measures.

III. Egyptian efforts at the regional level

At the regional level, Egypt continued to play an active role within the framework of the League of Arab States on issues relating to the Treaty on the Non-Proliferation of Nuclear Weapons. Thus, it has participated in the adoption of several resolutions on subjects that fall within the scope of the Treaty.

Egypt has also played a prominent role in the work of the technical committee charged with formulating a draft treaty on the establishment in the Middle East of a zone free of weapon of mass destruction. Two meetings of the Committee were held in Cairo in June 2002 and January 2003.

Egypt also participated in a symposium held in Cairo in February 2003 that was jointly organized by the League of Arab States and the United Nations Institute for Disarmament Research (UNIDIR). The symposium was entitled "Building a Zone Free of Weapons of Mass Destruction in the Middle East: Global Non-Proliferation Regimes and Regional Experiences".

IV. Egyptian efforts at the national level

Egypt's strong commitment to the objective of ridding the Middle East of nuclear weapons and all other weapons of mass destruction was reaffirmed at the national level in an address given by President Hosni Mubarak to a joint session of the Egyptian Parliament on 16 November 2002, in which he said: "We continue to call - insistently - for the same standards to be applied to Israel [as are applied to Iraq] so that it may abandon all its capabilities in the field of weapons of mass destruction, and thereby contribute to the establishment of a zone free of weapons of mass destruction as one of the main elements for a just and comprehensive peace in the Middle East, and that will also strengthen international efforts to prevent the proliferation of such weapons, in view of the threat they pose to all mankind." The President' remarks have been echoed by members of the Egyptian Government, including the Minister for Foreign Affairs, Ahmed Maher El Sayed, who, in December 2002, recalled that Security Council resolution 687 calls for ridding Iraq of weapons of mass destruction as a first step towards the establishment in the Middle East of a zone free from weapons of mass destruction.

At the national level too, and within the context of its comprehensive safeguards agreement with the International Atomic Energy Agency, Egypt continued to receive IAEA inspection teams throughout the past year. All the inspections showed that Egypt is complying fully with its commitments under the safeguards agreement with the Agency.

V. Conclusion

During the past year, Egypt continued to explore every avenue that could lead to concrete progress in the establishment of a nuclear-weapon-free zone in the Middle East. It believes that others - especially those in the Middle East region - should make an equally strong commitment. In the case of Israel, this commitment has not been forthcoming.

Egypt believes that, if the credibility and cohesiveness of the international nuclear non-proliferation regime is to be maintained, the international community must show a greater commitment to the objective of ridding the Middle East of the threat of nuclear weapons, in keeping with its own resolutions and decisions.

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Geneva, 28 April-9 May 2003

Steps taken by the People's Republic of China to further the Middle East peace process and to promote the establishment in the Middle East region of a nuclear-weapon-free zone: national report submitted by China

The Chinese Government has always attached great importance to promoting the Middle East peace process and actively supports efforts to establish a nuclear-weapon-free zone in the region of the Middle East. In accordance with the provisions of the Final Document of the 2000 Review Conference of the Nuclear Non-Proliferation Treaty, the People's Republic of China is currently taking the following steps to promote the Middle East peace process and the establishment of a nuclear-weapon-free zone in the region of the Middle East.

I. Urgently appealing to all the parties involved to endeavour to promote the Middle East peace process in a spirit of reconciliation

In dealing with the Middle East question, China upholds the principle of fairness and pursues no self-interest; it has always determined its own position in accordance with the rights and wrongs of any given situation. Acting from the standpoint of fairness, China has always maintained that the spirit of reconciliation should be followed in dealing with Middle East issues, in the belief that "harmony is precious", and it holds that the negotiation of peace is the only viable option for resolving the Middle East question.

In this spirit, China has all along followed developments in the Middle East with close attention: it sincerely hopes to see progress in the Middle East and does not want the achievements of 10 years' of Middle East peace negotiations to be set at nought. China voices its serious concern and dismay at the unending violent conflict between Israel and Palestine, which is bringing an increasingly heavy loss of life. China opposes the conduct of any terrorist activities or extreme violence against civilians and supports all mediation efforts by the international community designed to bring about a relaxation of the tensions in the area. China appeals to both the Israeli and Palestinian sides to exercise restraint and remain calm and urges them to adopt practical measures conducive to relaxing the tensions between them, so as to create the necessary conditions at the earliest possible stage for the revival of peace talks.

This spirit of reconciliation lies at the heart of China's position on how the Middle East question should be tackled. Guided by this spirit, China has made extensive efforts to promote a solution to the Middle East question. The leaders of countries throughout the Middle East have all expressed appreciation for its efforts to calm the dispute between Israel and Palestine and their hopes that China will deploy even greater efforts with a view to relaxing tensions in the area and resuscitating the Israeli-Palestinian peace talks.

In this spirit, China supports the Arab peace proposal agreed by the Arab League at its fourteenth summit conference in March 2003, and commends Crown Prince Abdullah of Saudi Arabia on his contribution to this initiative.

II. Promoting resolution of the Middle East question through a wide range of mediation efforts at the bilateral level

With a view to helping all the parties concerned reach a peaceful solution to the Middle East question, China has conducted extensive mediation efforts of different kinds in its bilateral contacts with all these countries, as described below.

1. Bilateral mediation efforts with Israel and the Arab countries, through bilateral summit meetings and exchange visits

China has had numerous exchange visits with all the countries of the Middle East. President Arafat of Palestine has visited China 14 times, President Mubarak of Egypt 8 times, the new King of Jordan has also visited China twice since his accession to the throne. High-level government officials from Israel have also made frequent visits to China. Senior Chinese State officials have also visited all the countries of the Middle East on many occasions. Thus, in April 2000, Chinese Premier Jiang Zemin visited Palestine, Israel, Egypt and other Middle East countries. In April 2002, Prime Minister Zhu Rongji visited Egypt, and the Prime Minister of Lebanon visited China. In January 2003, Chinese State councillor Ismail Amat visited Jordan. In June and December 2002, Deputy Foreign Minister Yang Wenchang visited Israel, Palestine and Syria. The Chinese Foreign Ministry has conducted separate political consultations with the foreign ministries of Egypt, Israel and Syria.

The Chinese Government has always attached great importance to the opportunity afforded by bilateral summit meetings and bilateral visits in promoting mediation efforts with all parties of the Middle East. China appreciates the efforts made by all sides in carrying forward the Middle East peace process and encourages them to continue their efforts, to ensure the further deepening of that process. Whenever tensions arise in the Middle East, China consistently advises the parties concerned, pointing out that replacing one form of violence by another form of violence can only deepen mutual hatred and that peace negotiations offer the only legitimate means of resolving the conflict; it appeals to both the Arab and the Israeli sides actively to coordinate the mediation efforts by the international community, to calm the conflict and to return to the path of peace talks.

2. Efforts to relieve tensions in the Middle East through telephone conversations, exchanges of letters and other modalities

In response to developments in the Middle East, the Chinese Foreign Minister Tang Jiaxuan has frequently made telephone calls, either on request or on his own initiative, to the leaders of Palestine and Israel. He has explained the views held by China with regard to the given situation in the Middle East and urged all the parties involved to exercise restraint, to make every effort to prevent any further escalation of the conflict and to maintain stability in the region, so as to set in place an atmosphere conducive to the early resumption of peace talks. Chinese leaders have often exchanged letters with the leaders of countries in the Middle East, setting forth the Chinese position and actively pursuing mediation efforts with all parties.

3. Appealing for a peaceful solution to the Middle East conflict, through the issuance of statements by spokesmen setting forth the Chinese position

The Chinese Foreign Ministry pays very close attention to developments in the Middle East situation and, through the medium of statements issued at the appropriate time by its spokesmen, it sets forth the Chinese Government's position on any given situation in the Middle East, condemns any abusive use of force, appeals to all parties involved to renounce the use of force and to seek a resolution to the Middle East question through peaceful negotiations.

III. Appointment of a special envoy on Middle East issues, and his active participation in international efforts to promote peace

In September 2002, in response to appeals by the countries concerned in the Middle East region, in particular the Arab States, China established a post of special envoy on Middle East issues and appointed an official to that post. In November, the Chinese special envoy on Middle East issues visited Egypt, Lebanon, Syria, Jordan, Israel and Palestine and also held separate meetings with the special representatives of the United States of America, the European Union, the Russian Federation and the United Nations, the "quadripartite" group, who were in the Middle East at that time. In these meetings, the special envoy explained China's position on ways of promoting the Middle East peace process and indicated its support for and readiness to participate in all international efforts designed to restore peace and stability to the Middle East region and its willingness to play an active role in the international conference convened for that purpose. China's efforts have been welcomed and are highly valued by all the parties involved. The Chinese special envoy on Middle East issues is currently maintaining close contacts and pursuing consultations with both the Arab and the Israeli sides and with other members of the international community concerned with the issue, and will make further visits to the Middle East as and when necessary.

IV. Using the framework of the United Nations as a means of calming the violence in Israel and Palestine and of promoting the Middle East peace process

China has always advocated and supported active use of the United Nations and, in particular, its Security Council as the means of solving the Middle East question and, in fulfilment of its responsibility under the United Nations Charter, calming the violence between Israel and Palestine and preserving peace and security in the Middle East region. China advocates a political solution to the Palestine-Israeli conflict through peace negotiations, in accordance with the relevant resolutions of the United Nations and the principle of "land for peace" decided upon at the Madrid Conference. Only if all the parties involved conscientiously implement the agreements and understandings already reached will it be possible to establish trust and stabilize the situation, thereby bringing closer fulfilment of an important precondition for long-term peace.

The Chinese Government has undertaken its own efforts to promote the peace process in the Middle East and to put an end to the violent conflict between Israel and Palestine. When, at successive sessions of the United Nations General Assembly, the issue of the Middle East has been debated and when the Security Council considered the draft resolution sponsored by the Non-Aligned Movement on the deployment of United Nations military observers, China has always given its active support and participated in consultations to reach unanimity or voted in favour. China has always supported and actively participated in efforts by the United Nations to resolve the Middle East question. For many years, China has regularly contributed to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and has done everything in its power to help Palestinian refugees. On 12 March 2002, when the Security Council adopted its resolution 1397 (2002) on the situation in the Middle East, China actively participated in the adoption process and voted in support of the resolution.

V. Support for efforts to establish a nuclear-weapon-free zone in the region of the Middle East

China has long since undertaken unconditionally not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones and has always supported efforts by the countries of the regions concerned, on the basis of voluntary consultations, to establish nuclear-weapon-free zones. In 1992, in its statement upon accession to the Nuclear Non-Proliferation Treaty, China made the following solemn appeal: "All nuclear-weapon States should undertake to support the proposed establishment of nuclear-weapon-free zones, should respect the status of such zones and should enter into corresponding obligations." We continue to advocate that those States in the Middle East region which are not yet members of the Nuclear Non-Proliferation Treaty should urgently and unconditionally accede to the Treaty and accept the IAEA comprehensive safeguards system.

China fully endorses the provisions of article 7 of the Nuclear Non-Proliferation Treaty, which states: "Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories." It also supports resolution 49/71 of the United Nations General Assembly, adopted in 1994, on the establishment of a nuclear-weapon-free zone in the region of the Middle East and the relevant stipulations regarding a nuclear-weapon-free zone in the Middle East contained in the resolution on the Middle East question adopted at the 1995 NPT Review Conference. China is of the view that the establishment of nuclear-weapon-free zones is conducive to the strengthening of the international nuclear non-proliferation regime. It is also fully aware that the risk of nuclear proliferation is all the greater in areas of tension. China has always maintained that the establishment of a nuclear-weapon-free zone in the region of the Middle East will be conducive to relaxing tension in that region and promoting the resolution of the Middle East question and, for that reason, from the very outset, it has unequivocally supported the proposed establishment of a nuclear-weapon-free zone in the Middle East.

The United Nations has adopted numerous resolutions calling for the establishment of a nuclear-weapon-free zone in the region of the Middle East, and on each occasion China has always supported the resolution by voting in its favour. At the same time, China is also taking active steps at the bilateral level to promote the establishment of a nuclear-weapon-free zone in the Middle East. In high-level meetings between China and the leaders of all the Middle East countries, China invariably conveys its appreciation for the efforts made by all countries to establish a nuclear-weapon-free zone in the Middle East and at all times has consistently maintained a very clear position on the establishment of a nuclear-weapon-free zone in the Middle East. It is China's intention, together with the international community, to continue its efforts and its contribution to the attainment of peace in the Middle East region and, at the earliest possible stage, the establishment in that region of a nuclear-weapon-free zone.

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Steps to promote the achievement of a nuclear-weapon free zone in the Middle East and the realisation of the goals and objectives of the 1995 Resolution on the Middle East

Report submitted by Australia

Australia fully supports the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction and their means of delivery. Australia has joined the consensus every year at the UN General Assembly in support of the resolution calling for the establishment of a nuclear weapon-free zone in the Middle East freely arrived at among states of the region.

A key concern in the Middle East was Iraq's long-standing refusal to cooperate with UNMOVIC and the IAEA to achieve full implementation of UN Security Council resolutions and Iraq's obligations under the NPT. Resolution of the significant questions about Iraq's NPT compliance during Saddam Hussein's regime is now finally possible, but only after a coalition of over fifty countries joined to help disarm Iraq of weapons of mass destruction.

The Additional Protocol on strengthened IAEA safeguards offers Middle East states an important confidence building opportunity. Australia recently approached Middle East states urging their early conclusion of the Additional Protocol.

Iran has now revealed an extensive nuclear program raising serious questions about its nuclear intentions. Australia is concerned about Iran's intention to develop proliferation-sensitive nuclear technology, such as uranium enrichment, especially given the tensions which exist in the Middle East region. Australia has urged Iran to conclude and fully apply an Additional Protocol as a means of helping allay concerns about its nuclear intentions.

While countries of the Middle East would need to take the initiative in developing a Middle East zone free of weapons of mass destruction and their means of delivery, membership of and adherence to existing treaties and instruments would be a step towards this aim. Australia contributes to the goal of such a zone through its efforts to achieve universal membership of the NPT, CTBT, BWC, CWC, and our active support for the International Code of Conduct (ICOC) against the proliferation of ballistic missiles.

Australia is active in efforts to achieve universal application of nuclear safeguards measures - in the Middle East and elsewhere.

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Treaty on the Non-Proliferation of Nuclear Weapons

Report submitted by the Government of New Zealand

Article I

New Zealand views the commitment of nuclear weapon states to non-transfer and other controls under this Article as essential. Suggestions in the recent period that international terrorists were interested in obtaining nuclear explosive devices have underlined the continuing importance of the commitment in changing circumstances.

Article II

New Zealand meets fully its commitment under this Article in all respects. New Zealand obligations through the Non-Proliferation Treaty (NPT) are legislated in the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987. New Zealand concerns about compliance by other non-nuclear weapon states parties to the NPT have been expressed in various forums, for example at the International Atomic Energy Agency (IAEA) General Conference.

Article III

The Safeguards Agreement between the IAEA and New Zealand came into force on 29 February 1972, and the Model Additional Protocol to the Agreement was concluded on 24 September 1998. In 2001 the IAEA assessed New Zealand to be in full compliance with all its safeguard commitments. With no nuclear weapons, no nuclear energy generation, no nuclear reactor and no production of uranium or other relevant material, New Zealand has only very minor activities subject to safeguards.

New Zealand applies export controls to materials and dual-use goods which can be used in a nuclear weapon programme. It coordinates these with other members of the Nuclear Suppliers Group, which New Zealand joined in 1994.

Article IV

New Zealand has decided by policy not to use its rights to develop research, production and use of nuclear energy for peaceful purposes. In the context of global negotiations relating to climate change, and in the IAEA, New Zealand points to the long term lack of sustainability of nuclear energy and the continuing risks of pollution and proliferation.

In implementing its national export controls New Zealand seeks to restrict trade related only to unsafeguarded nuclear facilities or nuclear weapon programmes in non-nuclear weapon states.

New Zealand has been active, at such forums as the IAEA General Conference, in promoting close attention to the safe transport of radioactive materials and radioactive waste. New Zealand is concerned that there be the highest possible safety standards and that they be applied fully, that coastal and other interested states receive notification in advance of shipments, and that advanced liability arrangements be in place.

Article V

New Zealand took an active part in negotiation of the Comprehensive Test Ban Treaty (CTBT) and ratified the CTBT in March 1999. In New Zealand the Treaty has been enacted in the Nuclear-Test-Ban Act 1999. A ban on nuclear testing is also included in the South Pacific Nuclear Free Zone Treaty and the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987.

New Zealand remains a strong supporter of the Treaty and its Provisional Technical Secretariat in Vienna. New Zealand was active at the second Entry-Into-Force Conference for the CTBT in November 2001, which the New Zealand Foreign Minister addressed. New Zealand was also a co-signatory of the Joint Ministerial Statement of Support for the CTBT, initiated by Australia, Japan and the Netherlands, at the United Nations General Assembly in September 2002. New Zealand believes a continued moratorium on all nuclear explosive testing is imperative pending formal entry of the comprehensive test ban into force. In the meantime, New Zealand cooperates with the Provisional Treaty Secretariat in helping to establish the International Monitoring System for the CTBT, with stations in New Zealand itself and in regional partners in the South Pacific.

Article VI

With its partners in the New Agenda, and as Chair of the relevant Subsidiary Body at the 2000 NPT Review Conference, New Zealand has worked hard in recent years to promote the negotiations in good faith relating to cessation of the nuclear arms race and to nuclear disarmament. In this context New Zealand draws strength from the 1996 Advisory Opinion of the International Court of Justice on the illegality of the threat or use of nuclear weapons.

In February 2000 the New Zealand Parliament resolved, without dissent:

as a mark of the dawning of the year 2000, to appeal to all fellow member states of the United Nations, and especially the nuclear weapon states, to join with New Zealand in fulfilling the obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

At the United Nations in 2002, New Zealand, with the New Agenda, was a lead sponsor of Resolution 57/59 (*Towards a nuclear-weapon-free world: the need for a new agenda*), which highlighted limited progress on many NPT issues and called upon States to abide fully by their commitments. This work followed on from the passage of Resolution 55/33C in 2000, which brought key commitments made at the NPT Review Conference into the wider UN context.

In March 2001 New Zealand hosted in partnership with the UN Regional Disarmament Centre for Asia and the Pacific a conference of governments and non-government organisations, which considered follow-up to the Review Conference and other issues on the disarmament agenda. The Prime Minister of New Zealand welcomed participants to the conference and the Minister for Disarmament and Arms Control attended sessions, spoke about New Zealand's role in the New Agenda, and chaired a discussion of nuclear free zones.

At the Conference on Disarmament New Zealand has supported the Amorim and Five Ambassadors' proposals for a programme of work including on nuclear disarmament, fissile materials, outer space, and negative security assurances.

Article VII

New Zealand is a full party to the South Pacific Nuclear Free Zone Treaty of 1985 (the Treaty of Rarotonga, also enacted in the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987). All the independent countries of the South Pacific are now covered by the Treaty, and four of the nuclear weapon states (Britain, China, France and Russia) have ratified Protocols giving security assurances to the region. The United States has signed the Protocols.

In recent years New Zealand has worked with Brazil and others to create new links between the nuclear weapon free zones of the Southern Hemisphere.

Article VIII

As mentioned, New Zealand took a very prominent part in the 6th Review Conference of the NPT (New York, April/May 2000) and it will participate fully in preparations for the 7th Review Conference, in 2005.

Article IX

New Zealand continues to emphasise the importance of universalisation of the NPT, for example in bilateral dialogues in 2001 with India, and in international forums (especially with New Agenda partners) calling on India, Israel and Pakistan. New Zealand expects that these countries accede to the NPT as non-nuclear weapon states in accordance with Article IX. New Zealand welcomed Cuba's accession to the NPT in 2002 as a positive step towards the goal of universalisation.

New Zealand remains very concerned at the DPRK's current stance against the NPT, and has urged the DPRK to cease efforts to withdraw from the Treaty

Article X

New Zealand joined the consensus decision in 1995 that the NPT be extended indefinitely. The Conference adopted a package of decisions in 1995: strengthening the review process; Principles and Objectives for Nuclear Non-Proliferation and Disarmament; extension of the Treaty; the Resolution on the Middle East, and all these elements remain significant. In New Zealand's view, the extension of the NPT was not a permit for the indefinite possession of nuclear weapons.

Building on this, the 2000 Review Conference agreed on detailed practical steps for systematic and progressive efforts to implement Article VI of the Treaty. The nuclear weapon states gave an unequivocal commitment to achieve the total elimination of their nuclear arsenals. New Zealand has evaluated national progress with regards to the 13 steps, and attaches a document outlining progress as an annex to this report.

Relevant to article X, the Conference agreed in 2000: "the principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures".

13 Steps: New Zealand Progress

Step 1

The importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the CTBT.

New Zealand ratified the CTBT in March 1999, having taken an active part in its negotiation. At the United Nations in 2002, New Zealand was a core sponsor of Resolution 57/73 (*Comprehensive Nuclear Test Ban Treaty*), which reiterated calls for universal ratification of the CTBT. Also in 2002, New Zealand co-sponsored a Joint Ministerial Statement on the CTBT, which Ministers delivered in New York. New Zealand works closely with the Provisional Technical Secretariat (PTS) in Vienna on CTBT issues. Pending ratification of the treaty, New Zealand has been active in the establishment of an International Monitoring System (IMS) for the CTBT, and has set up six monitoring stations on New Zealand territory. New Zealand co-operates closely with Fiji, the Cook Islands, and Kiribati on the installation of IMS stations within the Pacific region.

Step 2

A moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending entry into force of that Treaty

The Joint Ministerial Statement on the CTBT, co-sponsored by New Zealand in September 2002, called upon "all States to continue a moratorium on nuclear weapon test explosions or any other nuclear explosions", pending official ratification of the Treaty. New Zealand's Foreign Minister reaffirmed the importance of this voluntary undertaking in his public support of the statement. New Zealand has worked with Pacific countries to put in place the South Pacific Nuclear Free Zone Treaty, which bans nuclear testing. New Zealand has also created a New Zealand Nuclear Free Zone, and sustained it against international pressure.

Step3

The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives. The CD is urged to agree on a programme of work which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.

New Zealand has actively supported moves to overcome the current failure within the Conference on Disarmament (CD) to agree on a programme of work, including especially the Amorim and Five Ambassadors' proposals for a programme of work on nuclear disarmament, fissile materials, outer space and negative security assurances.

Step 4

The necessity of establishing in the CD an appropriate subsidiary body with a mandate to deal with nuclear disarmament. The CD is urged to agree on a programme of work which includes the immediate establishment of such a body.

The establishment of a subsidiary body to deal with nuclear disarmament is a key element of the Amorim and Five Ambassadors' proposals, and would provide significant progress towards New Zealand hopes for the CD.

Step 5

The principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms controls and reduction measures.

New Zealand has argued, in partnership with the New Agenda, that irreversibility in nuclear disarmament, nuclear reductions, and other related nuclear arms control measures is imperative. The New Agenda Position Paper, submitted to the First Preparatory Committee in 2002, reaffirmed that continuous irreversible progress in nuclear arms reductions was a fundamental pre-requisite for promoting nuclear non-proliferation.

Step 6

An unequivocal undertaking by the nuclear-weapon states to accomplish the total elimination of their nuclear arsenals leading to the nuclear disarmament to which all states parties are committed under Article VI.

New Zealand, in partnership with the New Agenda, presses states to live up to the unequivocal undertaking delivered at the 2000 Review Conference, for the total elimination of nuclear arsenals. This undertaking remains significant. New Zealand has reminded states of their obligations, most recently through the Foreign Minister's public statement on 28 February 2003, which addressed missile defence issues. The unequivocal undertaking on the part of all NPT states is a foundation on which the New Agenda Coalition continues to build.

Step 7

The early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the ABM Treaty as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.

New Zealand notes that START II and START III have been discarded following the withdrawal of the United States from the Treaty on the limitation of Anti-Ballistic Missile systems (ABM) in 2002. The Moscow Treaty (2002) represents a positive step in the process of nuclear de-escalation between the US and Russia, through undertakings to reduce the numbers of deployed strategic nuclear warheads. However, New Zealand emphasises, through the New Agenda, that reductions in deployments and in operational status cannot substitute for irreversible destruction of weapons towards the goal of total elimination of nuclear weapons.

Step 8

The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.

New Zealand supports this initiative.

Step 9

Steps by all nuclear-weapon states leading to nuclear disarmament in a way that promotes international security for all:

- *Further efforts by the nuclear-weapon states to reduce their nuclear arsenals unilaterally*

- *Increased transparency by the nuclear-weapon states with regard to the nuclear-weapons capabilities and the implementation of agreements pursuant to Article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament.*
- *The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process.*
- *Concrete agreed measures to further reduce the operational status of nuclear weapons systems.*
- *A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination.*
- *The engagement as soon as appropriate of all the nuclear-weapon states in the process leading to the total elimination of their nuclear weapons.*

New Zealand supports the full range of steps outlined above. In particular, New Zealand is keen to see progress on the issue of non-strategic nuclear weapons, and was a lead sponsor of Resolution 57/66 (*Reduction of non-strategic nuclear weapons*) at the United Nations in 2002.

Step 10

Arrangements by all nuclear-weapon states to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside of military programmes.

New Zealand recognises and welcomes the fact that all non-nuclear-weapon states have already accepted full controls on fissile materials. These controls are verified and administered by the IAEA. New Zealand urges nuclear weapon states to adopt similar commitments in this area.

Step 11

Reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control.

The New Zealand Government engages in a wide range of disarmament work relating to weapons of mass destruction and conventional weapons. Through active membership of the NPT, Chemical Weapons Convention, and Biological Weapons Convention, New Zealand campaigns for progress towards the elimination of weapons of mass destruction. New Zealand works within the international community on conventional weapon issues such as landmines and inhumane weapons. There is close co-operation between New Zealand and Pacific neighbours on efforts to reduce and control the small arms trade. New Zealand also belongs to four major export control regimes: the Australia Group, Wassenaar Arrangement, Nuclear Suppliers Group, and Missile Technology Control Regime.

Step 12

Regular reports, within the framework of the NPT strengthened review process by all States parties on the implementation of Article VI and paragraph (4) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", and recalling the Advisory Opinion of the International Court of Justice of 8 July 1996.

New Zealand submitted a report to the First Preparatory Committee in 2002, which set out New Zealand's progress with regards to each article of the NPT. This report has been revised and updated and is submitted to the Second Preparatory Committee in conjunction with this document.

Step 13

The further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.

New Zealand has given strong support to a system of strengthened IAEA safeguards, including in regional disarmament discussions.

Resolution on the Middle East: New Zealand Progress

Operative Clauses:

1. Endorses aims and objectives of Middle East peace process and recognises efforts towards this goal contribute to a Middle East zone free of WMD – including nuclear.

New Zealand stands for a balanced and constructive approach to the complex problems of the Middle East. We support the negotiation of a just, enduring and comprehensive peace settlement in the Middle East, based on UN Security Council Resolutions 242 and 338, and the principles derived from successive Agreements between the two parties. We support the effort of the Quartet and look forward to it finalising details of the road map towards a two state solution. The New Zealand position has been made clear through contact with representatives from both sides from time to time, including with the Israeli Foreign Minister and the Chairman of the Palestinian Authority, and in public fora such as the statement delivered by New Zealand at the 57th session of the United Nations General Assembly.

New Zealand has consistently contributed to peacekeeping operations in the Middle East. We were one of the original participants in the Multinational Force and Observers (MFO) and contribute to the United Nations Truce Supervision Organisation (UNTSO). We also contribute to the United Nations Relief and Works Agency (UNRWA) in support of its work in addressing the humanitarian situation in the Occupied Territories.

2. Reiterates call for all remaining States to accede to NPT and accept IAEA safeguards on all nuclear activities.

New Zealand, in partnership with the New Agenda Coalition, emphasises the importance of universal accession to the NPT. We call upon Israel to sign and ratify the NPT and to bring into force comprehensive IAEA safeguards.

3. Notes with concern the continued existence of unsafeguarded facilities in the Middle East and urges non-parties to the Treaty to accept full scope IAEA safeguards at such facilities.

New Zealand is a staunch supporter of the IAEA's role. We advocate full scope safeguards and the strengthened safeguard system through additional protocols. In the context of the Middle East, New Zealand remains particularly concerned at the continued existence of unsafeguarded facilities in Israel and Iran, and works within the United Nations General Assembly, the NPT review process, and the IAEA General Conference to address this issue.

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4. Reaffirms importance of early universal adherence to NPT and calls upon all Middle East States who have not yet done so to accede to NPT as soon as possible.

Contribution as outlined in response to Operative Clause 2 above.

5. Calls upon all Middle East States to take practical steps in appropriate forums towards an effectively verifiable Middle East Zone Free of Nuclear Weapons and refrain from anything that precludes this objective.

New Zealand strongly supports nuclear weapons free zones. We work closely with Brazil on efforts to foster a Southern Hemisphere Free of Nuclear Weapons. New Zealand remains fully convinced that the establishment of regional nuclear weapon free zones are useful steps towards the total elimination of nuclear weapons.

6. Call upon all NPT members, in particular Nuclear Weapon States, to extend cooperation and exert utmost efforts towards ensuring establishment by regional parties of a Middle East Zone Free of Nuclear Weapons and all other weapons of mass destruction.

New Zealand is encouraged by progress on the Treaties of Rarotonga and Tlaeteloco. New Zealand continues to support the development of all regional nuclear weapon free zones.

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REPORT BY THE GOVERNMENT OF THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA ON STEPS TO PROMOTE THE ACHIEVEMENT OF A NUCLEAR-WEAPON-FREE ZONE IN THE MIDDLE EAST AND THE REALIZATION OF THE GOALS AND OBJECTIVES OF THE 1995 RESOLUTION ON THE MIDDLE EAST

Report by the Government of the People's Democratic Republic of Algeria

1. Further to the provisions of the Final Document adopted at the conclusion of the Sixth Review Conference of the Parties to the NPT in 2000, requesting all States parties, particularly the nuclear-weapon States, the States of the Middle East and other interested States, to report through the United Nations Secretariat to the President of the 2005 Review Conference, as well as to the Chairperson of the Preparatory Committee meetings to be held in advance of that Conference, on the steps that they have taken to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East, the Government of the People's Democratic Republic of Algeria has the honour to submit a report containing the following elements.

2. Algeria believes that the establishment of a nuclear-weapon-free zone is an effective part of the consolidation of regional peace and security and contributes to the strengthening of the non-proliferation regime and the achievement of the objectives of nuclear disarmament.

3. However, because of the proximity and close ties between Africa and the Middle East, Algeria remains deeply concerned about the lack of progress in establishing a nuclear-weapon-free zone in this sensitive region. It therefore believes that it is essential to take concrete measures to implement the provisions of the 1995 resolution on the Middle East submitted by the three NPT depositary States and adopted by the Fifth Review Conference. It recalls, in this respect, that the Final Document of the Sixth Review Conference in 2000 reaffirms the importance of this resolution and recognizes that it remains valid until the goals and objectives are achieved.

4. Algeria also endorses the position expressed by the States parties at the Sixth Review Conference calling upon Israel to accede to the NPT and place its nuclear facilities under comprehensive IAEA safeguards in order to realize the goal of universal adherence to the Treaty in the Middle East region and achieve the legitimate aspiration to the establishment of a non-nuclear zone.

5. Choosing to promote the development of research in the peaceful uses of nuclear energy, Algeria acceded and committed itself to the NPT and, in March 1996, concluded an agreement on comprehensive safeguards by virtue of which all its nuclear activities are placed under its control in accordance with article II of the NPT.

6. Algeria has always worked in support of nuclear-weapon-free zones throughout the world; it endorses the OAU Declaration on the Denuclearization of Africa and, on 11 February 1988, was the third African State to ratify the African Nuclear-weapon-free Zone Treaty (the Pelindaba Treaty). Similarly, Algeria supported the establishment of such zones in Latin America and the Caribbean, in the South Pacific and in South-East Asia by the Treaties of Tlatelolco, Rarotonga and Bangkok, which have considerably reduced the risks of nuclear proliferation and contributed to the strengthening of international peace and security, and welcomes the efforts undertaken by five central Asian States to conclude a treaty on the establishment of a nuclear-weapon-free zone in the region.

7. Within the Arab Group, it sponsors the resolution entitled "The risk of nuclear proliferation in the Middle East" submitted each year to the United Nations General Assembly, and supports the resolution entitled "Establishment of a nuclear-weapon-free zone in the Middle East"; similarly, it participated actively in the work of the working group on the establishment of nuclear-weapon-free zones at the substantive session of the Disarmament Commission in April 1999.

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Report by the Kingdom of Morocco on the implementation of the Nuclear Non-Proliferation Treaty and of paragraph 4 (c) of the 1995 decision on the "principles and objectives for nuclear non-proliferation", as well as the implementation of the 1995 resolution on the establishment of a nuclear-weapon-free zone in the Middle East

I. IMPLEMENTATION OF THE NUCLEAR NON-PROLIFERATION TREATY AND OF PARAGRAPH 4 (c) OF THE 1995 DECISION ON THE PRINCIPLES AND OBJECTIVES FOR NUCLEAR NON-PROLIFERATION

1. The Kingdom of Morocco remains committed to general and complete disarmament and in particular to nuclear disarmament. Since its accession to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in 1970, it has constantly worked for the total elimination of nuclear weapons and their non-proliferation. Morocco believes that the NPT is the cornerstone of the nuclear non-proliferation regime and a key instrument for the maintenance of peace and security in the world. It has therefore always supported initiatives aimed at strengthening the authority of this regime and promoting its universality.

2. In implementation of the NPT, Morocco concluded a safeguards agreement with the International Atomic Energy Agency (IAEA) as of 1975.

3. It has undertaken the domestic procedure for signing an additional protocol.

4. At the level of the General Assembly, Morocco has always supported the adoption of resolutions for the promotion of nuclear disarmament and non-proliferation.

5. As a Contracting Party, the Kingdom of Morocco has consistently supported the decisions aimed at strengthening the review process of the Treaty.

6. The new international security situation resulting from the events of 11 September 2001 demonstrated the enormous importance of the NPT and the need to preserve its strength and credibility in order to confront the threats associated with nuclear terrorism, weapons of mass destruction and their means of delivery. Morocco believes that the strengthening of the multilateral NPT regime remains a necessary measure to combat the illicit proliferation of nuclear devices and materials and their possession by terrorists.

7. Morocco has ratified the Convention on the Physical Protection of Nuclear Materials and is playing an active role in the working group on amendment of the Convention.

8. Morocco stresses the crucial importance of respect by all States parties for the provisions of the NPT and the obligations arising from it.

9. Morocco, which supports a total ban on nuclear tests, has signed and ratified the Comprehensive Nuclear-Test-Ban Treaty. It deplores the fact that this Treaty, which was opened for signature on 24 September 1996, has still not entered into force. In this respect, it reiterates its appeal to all States which have not yet done so to accede to the Treaty without delay. It stresses the importance of respect for the moratoriums on nuclear tests and of the convening of conferences in order to facilitate the entry into force of the Treaty.

10. Morocco reaffirms the inalienable right of the States parties to the Treaty to carry out research and develop the production and utilization of nuclear energy for peaceful purposes, particularly through international cooperation under IAEA monitoring.

11. Morocco endorses action to overcome obstacles in the work of the Conference on Disarmament, and continues to support the undertaking of negotiations for the formulation of a treaty on fissile material, a legal instrument on negative security assurances and a convention on nuclear disarmament.

12. Morocco fully supports the positive conclusions of the 2000 NPT Conference and reaffirms the importance of their implementation by the States parties, in a transparent and irreversible manner.

II. IMPLEMENTATION OF THE 1995 RESOLUTION ON THE ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE ZONE IN THE MIDDLE EAST

13. The Kingdom of Morocco remains convinced that the establishment of nuclear-weapon-free zones contributes to the strengthening of the nuclear non-proliferation regime. For that reason, it has always supported the establishment of such zones where they do not exist.

14. Morocco was one of the first countries to call for the establishment of a nuclear-weapon-free zone in the Middle East, because it believes that the existence of such a zone is not only a necessary measure to banish proliferation and insecurity in this region, but also an international objective and a factor in the consolidation of peace and security in the world.

15. At the level of the League of Arab States, Morocco is participating in the development of a legal and technical mechanism for the establishment of a zone free from weapons of mass destruction in the Middle East.

16. Within IAEA, Morocco is engaged in promoting the application of the Agency's safeguards regime throughout the Middle East region, because it believes that this is an international security measure which should affect all States of the world.

17. Morocco encourages the conclusion by all States of the Middle East region, including Israel, of comprehensive safeguards agreements with IAEA, as an important step towards the creation of a climate of trust between the States of the region, and a preliminary measure for the establishment of a nuclear-weapon-free zone in the Middle East.

18. Morocco has helped promote confidence-building measures between the States parties to the conflict in the Middle East, particularly by participating in the work of the Multilateral Working Group on Arms Control and Regional Security.

19. The establishment of a nuclear-weapon-free zone in the Middle East requires that the only State of the region which is not yet a party to the Non-Proliferation Treaty - Israel - should accede to it and submit its nuclear installations to the IAEA safeguards regime. This concern was specifically mentioned in the decisions of the NPT review conferences held in 1995 and 2000.

20. It stresses the need for all the parties concerned to take concrete measures, as a matter of urgency, for the establishment of a nuclear-weapon-free zone in the Middle East region, and, pending the establishment of such a zone, to declare solemnly their intention to refrain, on the basis of reciprocity, from manufacturing, acquiring or in any other way possessing nuclear weapons and nuclear explosive devices and not to allow the emplacement of nuclear weapons in their territories by any third party.

21. Morocco believes that appropriate security measures should be established for nuclear installations.

22. The Kingdom of Morocco is conducting sustained action, at both regional and international levels, to encourage all the States of the region to undertake the establishment of a zone free from weapons of mass destruction in the Middle East.

23. The Kingdom of Morocco constantly reiterates its appeal to the nuclear Powers, and particularly to the depositaries of the Non-Proliferation Treaty, to the international community and to international organizations, to rise to their responsibilities for the achievement of a nuclear-weapon-free zone in the Middle East.

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Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 Resolution on the Middle East

Report submitted by Canada

1. At the 57th session of the United Nations General Assembly, Canada supported the First Committee resolution on the Establishment of a nuclear-weapon-free zone in the region of the Middle East. While Israel maintains a policy of nuclear ambiguity, it is widely assumed to have developed a significant nuclear weapons capability. Canada has stated that it is convinced that this program is not in the long-term interests of Israel, of regional stability and of global security. Canada has called upon Israel to accede to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as a non-nuclear-weapon State.

2. Canada has also called for full adherence and compliance with the Treaty by States parties in the region, and notes that six States in the region have not concluded comprehensive safeguards agreements with the IAEA. In addition, Canada has observed that all states in the region could further contribute to regional stability and security by demonstrating greater openness and transparency through the conclusion of Additional Protocols to their respective safeguards agreements. Canada, in accordance with its obligations under United Nations Security Council Resolution 1441 (2002), provided assistance to the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and International Atomic Energy Agency (IAEA) inspectors in Iraq.

3. Canada is a strong supporter of the Middle East peace process, and plays a role in the multilateral aspect of this process as Chair of the Refugee Working Group. Canada fully supports the continuing efforts of the Quartet towards implementation of the Road Map.

**Preparatory Committee for the 2005 Review
Conference of the Parties to the Treaty
on the Non-Proliferation of Nuclear Weapons**

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Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East

Report submitted by Saudi Arabia

Second meeting of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Geneva, 28 April-9 May 2003

This report is being submitted in response to the request made in part I of the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons held at the headquarters of the United Nations in New York that nuclear-weapon States, the States of the Middle East region and other interested States should report through the United Nations Secretariat to the President of the 2005 NPT Review Conference, as well as to the Chairperson of the Preparatory Committee meetings, on the steps they have taken to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East.

The Kingdom of Saudi Arabia has the honour to submit its report on this subject.

1. The subject of ridding the Middle East region of nuclear weapons and all other weapons of mass destruction has been stressed in numerous international and regional forums.

1.1 Every year since its twenty-ninth session in 1974, the General Assembly of the United Nations has adopted a resolution on the establishment of a nuclear-weapon-free zone in the region of the Middle East. From the thirty-fifth session of 1980 up to the fifty-third session of 2002, the resolution was always adopted by consensus.

1.2 On 27 March 1994, at its 101st regular meeting of ministers, the Council of the League of Arab States adopted resolution No. 5380 providing for the formation of a committee to make the Middle East a zone free of weapons of mass destruction, particularly nuclear weapons; the initiative was supported and endorsed by all Arab States. On 21 May 1999, at its 114th regular meeting of ministers, the Council of the League of Arab States adopted resolution No. 5491 reaffirming the continuing support of Arab States for the aims and objectives of the NPT and stressing the importance of ensuring that all States without exception should adhere to the Treaty, as the linchpin of the international nuclear non-proliferation regime.

1.3 In the Final Document of the 2000 NPT Review Conference, the Conference reaffirmed its support for the establishment of nuclear-weapon-free zones and stressed the importance of the resolution on the Middle East adopted by the 1995 Review Conference, which calls upon all States in the region to accede to the NPT and to place their nuclear facilities under full-scope International Atomic Energy Agency (IAEA) safeguards. It also calls for the promotion of the establishment of a zone free of weapons of mass destruction in the Middle East.

2. The Government of the Kingdom of Saudi Arabia accords the utmost concern to efforts to avert the proliferation of weapons of mass destruction, particularly nuclear weapons, and to endeavours to eliminate them at both the international and regional levels.

2.1 At the international level, the Kingdom's commitment to this matter has been given concrete expression by its accession to the principal international treaties and conventions concerned with nuclear, chemical, and biological, weapons of mass destruction. This represents an official position of the Kingdom which aims at supporting international efforts to combat the proliferation of, and eliminate weapons of mass destruction, particularly nuclear weapons, in order to achieve international peace and security. The Kingdom has furthermore endorsed the relevant United Nations resolutions, including the resolutions of the General Assembly entitled "Nuclear disarmament" (55/33 T), "A path to the total elimination of nuclear weapons" (55/33 R), "Reducing nuclear danger" (55/33 N) and "Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons" (55/33 X). The Kingdom has also supported, and continues to support, international efforts to establish a zone free of these weapons in the Middle East, endorsing General Assembly resolutions on this subject, including its resolutions entitled "The risk of nuclear proliferation in the Middle East" and "Establishment of a nuclear-weapon-free zone in the region of the Middle East".

2.2 At the regional level, the Kingdom's participation in, and its tireless and ongoing endeavours at, the regular meetings of the committee responsible for drafting a treaty on the establishment in the Middle East of a zone free of weapons of mass destruction are a reflection of the Kingdom's policy of ridding the region of all weapons of mass destruction and of its conviction that security and stability cannot be achieved through the possession of such destructive weapons. Accordingly, the Kingdom has taken every care to join fraternal Arab States in assiduously attending the meetings the committee has held ever since its establishment in 1994.

2.3 In this regard, while presiding over the meeting of the Council of Ministers held on 7 Muharram A.H. 1424 (corresponding to 10 March 2003), the Custodian of the Two Holy Places, King Fahd Bin Abdul-Aziz Al Saud, stressed the importance of ridding the Middle East region of all weapons of mass destruction. King Fahd Bin Abdul-Aziz Al Saud further highlighted the importance of ensuring that the policy of eliminating weapons of mass destruction should be binding on all States of the region and should be applied to all without exception, so as to guarantee security and stability for all the States and peoples in the region.

3. The successful establishment of nuclear-weapon-free zones in certain regions of the world, thanks to cooperation between the States concerned and their recognition of the vital importance of peaceful coexistence, marks a positive step towards the creation of a world free of weapons of mass destruction. It is regrettable, however, that the Middle East region remains so far from realizing this goal, because of Israel's refusal of any attempt to achieve it. Israel continues to obstruct the realization of this goal by linking its position on the question of nuclear weapons in the region to the peace process and to comprehensive all-party negotiations. Israel also persists in rejecting calls from the United Nations, the IAEA, the Movement of Non-Aligned Countries and the Organization of the Islamic Conference urging it to desist from developing, producing, or testing nuclear weapons. Indeed, it remains the only country in the region to have nuclear weapons and programmes and chemical weapons outside the scope of the international monitoring regime.

3.1 In this context, the Kingdom of Saudi Arabia views the Israeli position vis-à-vis the question of the establishment of a nuclear-weapon-free zone in the region of the Middle East and all the reasons it has given to justify its possession and development of weapons of mass destruction, particularly nuclear weapons, as being in clear and blatant contradiction with all its claims about wishing for peace with the peoples and States of the region. True peace must be built on trust and good will between the States and peoples of the region and their liberation from oppression and occupation, and not on the possession or threat of use of nuclear weapons or the imposition of a policy of presenting others with a fait accompli, or of hegemony, which will be a source of concern and pose a threat not only to the peoples of the region, but also to international peace and security.

3.2 The Kingdom of Saudi Arabia has stressed, and continues to stress, the importance of ridding the region of the Middle East of all weapons of mass destruction without discriminating between the States of the region, following the example of other geographical areas of the world where these weapons have been eliminated thanks to the good will of, and cooperation between, all the States parties to the relevant regional treaties, such as the Tlatelolco, Raratonga, Bangkok and Pelindaba treaties. The success of the Pelindaba Treaty in eliminating nuclear weapons from the African continent was largely influenced by the initiative taken by South Africa in eliminating its own nuclear weapons. The Kingdom of Saudi Arabia calls on Israel to follow South Africa's lead, by dismantling its nuclear arsenal in order to promote peace and security in the Middle East and in the world.

3.3 While all States in the Middle East region have acceded to the NPT, which is the linchpin of the international nuclear non-proliferation regime, the Kingdom should like to reaffirm that Israel, as the only country in the region not to have signed the Treaty and to have nuclear facilities outside the scope of IAEA safeguards, now more than ever must take the urgent steps required for its accession to the Treaty and should comply with the relevant General Assembly and Security Council resolutions. It should also place all its nuclear facilities under IAEA safeguards in order to realize effective progress towards ridding the Middle East region of nuclear weapons and other weapons of mass destruction.

4. The Kingdom of Saudi Arabia hopes that international efforts on behalf of peace will be redoubled in this important region of the world, with a view to actually achieving the goal of ridding the Middle East region of weapons of mass destruction, particularly nuclear weapons. Although the Kingdom supported the process of disarming Iraq of weapons of mass destruction that was implemented by the United Nations Monitoring, Verification and Inspection Commission and IAEA inspectors in accordance with the terms of Security Council resolutions, most recently Security Council resolution 1441 (2002), it should like to underscore the importance of applying international resolutions fairly and comprehensively. In particular, selectivity should be avoided by working to disarm Israel of its deadliest nuclear weapons of mass destruction and by giving effect both to Security Council resolution 482 (1980), which calls on Israel to place all its nuclear facilities under the IAEA safeguards regime, and to paragraph 14 of Security Council resolution 687 (1991), which was adopted pursuant to Chapter VII of the Charter of the United Nations and notes that all actions to be taken by Iraq in the sphere of disarmament represent steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction.

4.1 The Kingdom of Saudi Arabia stresses the necessity of revitalizing international efforts in support of Israel's accession to the NPT, since it is the only country in the Middle East to have failed to accede to that instrument, and of working to ensure that it places all its nuclear facilities under IAEA full-scope safeguards. If this were done, it would have a positive impact on the prospects for ridding the Middle East of all weapons of mass destruction, particularly nuclear weapons, and would strengthen opportunities for the achievement of peace and security in the region and the world.

4.2 In this connection, the Kingdom of Saudi Arabia should like to endorse the view expressed by the participants at the 2000 Review Conference that the total elimination of nuclear weapons is "the only absolute guarantee against use or threat of use" of such weapons. The Kingdom should like to recall the unequivocal undertaking given by the five nuclear-weapon States at the 2000 NPT Review Conference to accomplish the total elimination of their nuclear arsenals. The Kingdom believes, in the light of the ongoing instability in the Middle East and the dangers posed by recent events in the region, that the fears of many non-nuclear-weapon States should be given serious consideration and that a binding international instrument should be drafted to guarantee the safety of non-nuclear-weapon States.

4.3 In this regard, the Kingdom calls on nuclear- and non-nuclear-weapon States to cease their production of fissile materials for military purposes, to undertake negotiations on the establishment of the Fissile Material Cutoff Treaty, and to place the materials they produce under the comprehensive IAEA safeguards system. It also calls on nuclear-weapon States or those with nuclear capabilities to desist from conducting nuclear tests or from encouraging other States to conduct such tests.

4.4 The Kingdom also believes in the importance of giving effect to the aims and purposes of the 1995 resolution on the Middle East and of implementing the terms of the Final Document of the 2000 Review Conference in this regard. The interested States, particularly the three depositary States which sponsored the resolution on the Middle East, should work towards the implementation of the 1995 resolution on the Middle East and follow up on the recommendations set forth in the Final Document of the 2000 Review Conference, taking the appropriate steps to push for the urgent "establishment of a Middle East zone free of nuclear weapons".

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Steps to Promote the Achievement of a Nuclear-Weapon-Free Zone in the Middle East and the Realization of the Goals and Objectives of the 1995 Resolution on the Middle East

Report submitted by Japan

1. Japan supported, and continues to fully support, the 1995 Resolution on the Middle East, which calls for the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems. Japan also joined, at the fifty-seventh session of the United Nations General Assembly, the consensus adoption of resolution 57/55 of 22 November 2002, entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East."

2. The establishment of a zone free of nuclear and all other weapons of mass destruction and their delivery systems in the Middle East will ultimately require adherence by all States in the region to the Treaty on the Non-Proliferation of Nuclear Weapons, the Biological Weapons Convention and the Chemical Weapons Convention. Japan has been actively taking part in international efforts to encourage universal adherence to these multilateral, legally binding instruments on the disarmament of weapons of mass destruction. As a part of such an endeavour, on the occasion of her latest visit to the Middle East region from 26 April to 3 May 2003, Ms. Yoriko Kawaguchi, Minister for Foreign Affairs of Japan, renewed her efforts to urge the Israeli Government to become a Party to the NPT and to the CTBT as well as the Syrian Government to the CTBT.

3. It is no less important that compliance with these legal instruments should be fully assured. In this context, Japan believes it is of utmost importance that the issue of weapons of mass destruction in Iraq should definitely be resolved with proper international involvement. Japan also considers it crucial that the future Government of Iraq adhere to all relevant non-proliferation agreements in order to prove its willingness to behave as a responsible member of the international community.

4. In addition, Japan stresses the necessity of strengthening the IAEA Safeguards system, which plays a vital role in underpinning the NPT. Japan has been exerting its efforts to promote and facilitate the conclusion and entry into force of the IAEA safeguards agreements and additional protocols, including hosting the "International Conference on Wider Adherence to Strengthened IAEA Safeguards," to which Middle Eastern countries also participated.

5. Adherence to the Comprehensive Nuclear-Test-Ban Treaty by all States in the region would also be a substantial practical step. Japan has also been exerting its utmost efforts to promote adherence to the Treaty by all States, especially those States whose ratifications are required for its entry into force. For this purpose, Japan, with other countries, organized the "Friends of the CTBT" Foreign Ministers Meeting, which some Middle Eastern countries also attended.

6. Japan is firmly committed to supporting the Middle East peace process, which is the key to regional stability. Such stability is a vital factor in establishing the conditions for a zone free of weapons of mass destruction. Japan will strengthen its efforts to work with the Israelis and Palestinians, as well as the countries concerned, to resume peace negotiations between the two sides, providing assistance for the Palestinians' reform efforts, and building confidence from a mid to long-term perspective.

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Report on steps taken to promote the achievement of an effectively verifiable Middle East zone free from nuclear weapons as well as other weapons of mass destruction, and the realisation of the goals and objectives of the 1995 Resolution on the Middle East

Report submitted by Sweden

1. In the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in the section entitled "Article VII and the security of non-nuclear-weapon States", paragraph 16 on "Regional Issues", subparagraph 7, it is stated that:

2. "The Conference requests all States parties, particularly the nuclear-weapon States, the States of the Middle East and other interested States, to report through the United Nations Secretariat to the President of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, as well as to the Chairperson of the Preparatory Committee meetings to be held in advance of that Conference, on the steps that they have taken to promote the achievement of such a zone (i.e. a Middle East zone free from nuclear weapons as well as other weapons of mass destruction, *our remark*) and the realisation of the goals and objectives of the 1995 Resolution on the Middle East."

3. Sweden would hereby like to communicate the following information regarding the realisation of the goals and objectives of the Resolution.

(i) Endorses aims and objectives of Middle East peace process and recognises that efforts in this regard, as well as other efforts, contribute to, inter alia, a Middle East zone free of nuclear weapons as well as other weapons of mass destruction.
Sweden supports negotiations for a just, enduring and comprehensive peace settlement in the Middle East, based on Security Council resolutions 242 and 338, and the principles derived from successive agreements between the parties. We support the efforts of the Quartet and would like the "road map" to be published and implemented without delay. Sweden is strongly committed to the need for a zone free from weapons of mass destruction in the Middle East. This goal could be promoted in several ways, for example, by making full use of the confidence-building measures that exist within the framework of the EU Mediterranean co-operation (the Barcelona Process) and by establishing mechanisms for transparent

and reliable verification in order to destroy the weapons of mass destruction in the region. Regarding Iraq, at present, the IAEA is the sole organisation, with legal powers derived from the NPT and the United Nations Security Council resolutions, to verify Iraq's nuclear disarmament. Inspections still need to be completed in order to resolve remaining questions about Iraq's nuclear programme. In regard to possible other weapons of mass destruction in Iraq, UNMOVIC is the sole organisation, with legal powers derived from the United Nations Security Council resolutions, to verify Iraq's disarmament.

(ii) Calls on the remaining State not party to the Treaty to accede to it, thereby accepting an international legally binding commitment not to acquire nuclear weapons or nuclear explosive devices and to accept IAEA safeguards.
Sweden continues to emphasise the importance of universal accession and adherence to the NPT. We call upon Israel to sign and ratify the NPT and to place all its nuclear facilities under comprehensive IAEA safeguards.

(iii) Notes the continued existence in the Middle East of unsafeguarded facilities and urges those countries that operate unsafeguarded nuclear facilities to accept full-scope IAEA safeguards.
Sweden fully supports full scope safeguards and the strengthened safeguards system with the additional protocols. Sweden remains concerned with the existence of unsafeguarded nuclear facilities in the region. We urge all States in the Middle East that have not yet done so to conclude and bring into force additional protocols with the IAEA.

(iv) Reaffirms importance of the early realisation of universal adherence to the NPT, and calls upon all States in the Middle East that have not yet done so, without exception, to accede to the NPT as soon as possible and to place their nuclear facilities under full-scope IAEA safeguards.
See answer under paragraph 2.

(v) Calls upon all States in the Middle East to take practical steps in appropriate fora to make progress towards, inter alia, the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems, and to refrain from measures that preclude the achievement of this objective.
Sweden is strongly committed to the establishment of zones free of weapons of mass destruction, including nuclear weapons. Sweden voted in favour of resolution 57/55 entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East, which was adopted by the 57th United Nations General Assembly.

(vi) Call upon all States parties to the NPT, and in particular the nuclear-weapons States, to extend co-operation and support efforts towards the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems.
Sweden continues to support the establishment of regional nuclear weapon free zones.

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Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Steps taken to promote the environment necessary to encourage nations to establish an effectively verifiable Middle East Zone free of weapons of mass destruction and the realization of the goals and objectives of the 1995 Resolution on the Middle East

Report submitted by the United States of America

1. The United States welcomes the opportunity to provide information on steps it has taken to promote the environment necessary to encourage nations to establish an effectively verifiable Middle East zone free of weapons of mass destruction and the realization of the goals and objectives of the 1995 NPT Resolution on the Middle East. In order to promote the environment necessary to achieve these objectives, the U.S. has three priorities: 1) Supporting efforts to end violence and return to political negotiations between Israel and the Palestinians; 2) Ensuring that states are in compliance with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT); and 3) Encouraging all states in the region to join the NPT and adhere to other international nonproliferation treaties and regimes.

I. Support for the Middle East peace efforts

2. Achievement of a comprehensive, just, and lasting peace in the Middle East remains a key U.S. foreign policy goal. The U.S. believes that attainment of this goal will help create the confidence necessary to find solutions to the vast array of complex issues that surround the establishment of a regional zone free of all weapons of mass destruction. NPT parties have recognized that efforts toward the goal of universal adherence to the NPT should include the enhancement of regional security, including in the Middle East. The U.S., European Union, United Nations and the Russia Federation, referred to collectively as the Quartet, worked together to develop a road map to realize President Bush's vision of two states -- Israel and Palestine -- living side by side in peace and security. This roadmap, the authoritative international plan for peace, was delivered on April 30 to Israel and the Palestinians. The President has made clear that he is personally committed to implementation of the road map. The time has come to take concrete actions to achieve peace. The U.S. will be the active partner of every party that seeks peace.

II. Ensuring all countries comply with the NPT

3. An array of nuclear nonproliferation challenges exist in the Middle East. During the 2002 meeting of the Preparatory Committee, the U.S. expressed concern regarding non-compliance with the Treaty. There is little hope of establishing an agreement to create a regional zone free of weapons of mass destruction if we cannot ensure that nations of that region implement and uphold existing agreements to which they are party. Ensuring compliance is our highest NPT priority;

4 . compliance concerns need to be addressed directly since they affect the core substance of the NPT. The suspicion aroused when an NPT party violates the Treaty or engages in activities contrary to the Treaty only adds to regional tensions. It contributes to the long legacy of mistrust and undermines the prospects for some day achieving a zone in the Middle East free of weapons of mass destruction. The entire effort surrounding arms control agreements is brought into question by unchallenged or unremedied treaty violations. No one committed to peace in the Middle East can ignore these issues. The U.S. also cannot ignore efforts by any NPT party to use Treaty adherence as a means to acquire sensitive nuclear technologies, while maintaining nuclear weapon ambitions and pursuing clandestine nuclear capabilities. All NPT parties need to act with resolve in response to any such challenge to the Treaty.

5. For over 12 years Iraq continued to defy the will of the international community. Even after the return of UN inspectors, Iraq failed to meet its obligations to disarm and seize upon the final opportunity afforded by UN Security Council Resolution 1441 which was unanimously adopted. Iraq never made the strategic and political decision to disarm, and so a coalition of the willing undertook to disarm the Saddam Hussein regime. The U.S. looks forward to a new Iraqi government that reaffirms its NPT commitments and brings into force an Additional Protocol. The U.S. will continue to work with the international community with respect to Iraq.

6. Ensuring compliance with NPT and IAEA obligations is also the crux of U.S. concern about Iran's nuclear program. Until a public disclosure forced Iran to admit its activities, Iran undertook to secretly build indigenous nuclear fuel cycle facilities, while refusing to accept an obligation to declare such facilities to the IAEA at an early date. After Iran belatedly allowed the IAEA to visit these sites, IAEA Director General ElBaradei reported to the IAEA Board of Governors in March that there are outstanding "questions" and "actions" that the IAEA must pursue in Iran. We strongly support a thorough IABA investigation of all questions about Iran's claim to be fully "transparent" and compliant with its NPT safeguards obligations and are waiting to hear soon the results of the IAEA's efforts. Any Iranian attempt to pursue a nuclear weapons capability would represent an unacceptable security threat to all of us and a fundamental challenge to the NPT and to prospects for a region free of all forms of weapons of mass destruction. Improving the prospects for such a zone requires that Iran change its behavior and take all necessary steps to remove the serious doubts now growing about its nuclear ambitions.

7. The U.S. is also concerned about other NPT parties in the Middle East region whose statements or activities seem to belie their NPT commitments. We urge all NPT parties to avoid nuclear cooperation with such states and to join the U.S. in underscoring the absolute importance of abiding by Treaty obligations.

8 . Other U.S. actions to promote compliance with the NPT in the Middle East and elsewhere include supporting the strengthening of IAEA safeguards, the negotiation and entry into force of safeguards strengthening Additional Protocols, and the adoption of NPT safeguards agreements. We are pleased to note some progress over the past year. Kuwait signed an Additional Protocol and the United Arab Emirates signed an NPT safeguards agreement. The U.S. commends these actions and urges others in the region that have not done so to take these steps as soon as possible.

III. Universality of the NPT and other efforts to strengthen non-proliferation treaties and regimes

9. The U.S. continues to encourage the creation of a regional environment that allows for broader acceptance by all Middle East states of nonproliferation and disarmament norms and international standards. Key to these norms is universal adherence to the NPT. U.S. law and policy continue to prohibit the supply of significant nuclear items to non-nuclear-weapons-states, as defined in the NPT, that do not accept IAEA safeguards on all their nuclear activities. We also strongly promote other nonproliferation goals including:

- adoption of IAEA full-scope safeguards agreements;
- adoption and full implementation of IAEA Additional Protocols;
- adherence to Nuclear Supplier Group (NSG) guidelines;
- unilateral adherence to Missile Technology Control Regime (MTCR) and Australia Group guidelines;
- subscription to the International Code of Conduct Against Ballistic Missile Proliferation (ICOC)
- adherence to the Chemical Weapon Convention (CWC);
- adherence to the Biological Weapon Convention (BWC) and support for effective BWC implementation procedures; and
- support for a verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

10. In addition, the U.S. continues to urge supplier states, both bilaterally and in international fora, to refrain from exporting any WMD, missiles or related materials, equipment and technologies, as well as destabilizing advanced conventional weapons to countries in the Middle East, especially those that support terrorism.

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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8 May 2003

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Second session
Geneva, 28 April-9 May 2003

Report on the Middle East submitted under paragraph 16, subparagraph 7 of the chapter of the Final Document of the 2000 NPT Review Conference devoted to article VII, on measures taken by France to promote the achievement of a zone free of nuclear weapons as well as other weapons of mass destruction and the realization of the goals and objectives of the 1995 resolution on the Middle East

Report submitted by France

1. On 30 April 2003, at a press conference on the Middle East, Mr. Dominique de Villepin, the Minister for Foreign Affairs, made the following statement on the subject of the Middle East:

> *"Where non-proliferation is concerned, we reject the status quo.*
>
> *"The multilateral non-proliferation regime is intended to apply to the entire region. It must be accompanied by efforts to devise a new regional security framework based on confidence-building and non-aggression measures. The project for a zone free of weapons of mass destruction and their delivery systems, presented by President Mubarak and based on Security Council resolution 687, offers a solid foundation in this regard.*
>
> *"We must move forward simultaneously in several directions:*
>
> *"First, we must consider how to carry out tough inspections, under United Nations auspices.*
>
> *"Second, we must secure new commitments from the countries of the region:*
>
> *"To sign the Chemical Weapons Convention;*
>
> *"To subscribe to the code of conduct against missile proliferation;*
>
> *"To sign the IAEA additional protocol known as 93+2.*

> *"Third, we must offer technical and financial assistance from the international community to the countries in the region which undertake to eliminate their weapons of mass destruction completely and verifiably.*
>
> *"Fourth, we must make the granting of economic benefits to countries whose intentions are in doubt subject to commitments in the non-proliferation field.*
>
> *"We suggest that new lines of thinking should be pursued on the occasion of the Security Council meeting on non-proliferation which has been proposed by the French President.*
>
> *"Today, it is clear that there is a need to embark on a proactive strategy, to transform challenges into opportunities. France, guided by its values, its principles, its convictions, seeks to move forward together with all its partners in response to the urgent needs of the entire region."*

2. France reiterates its support for the objectives of the resolution on the Middle East adopted by the NPT Review and Extension Conference in 1995.

3. It calls for the implementation of this resolution by all the States concerned, so as to secure progress towards a lasting peace in the Middle East and the establishment of a zone free of weapons of mass destruction in the region.

4. France has taken every opportunity, at the bilateral and multilateral level, to emphasize the importance of the following steps:

- The establishment of a dialogue among all the States of the region in order to restore peace and stability in the Middle East in a lasting manner;
- Respect for the nuclear non-proliferation commitments entered into by all the States parties to the NPT;
- Peaceful disarmament of the States which are violating their non-proliferation obligations, under the authority of the United Nations Security Council;
- A halt to the proliferation of weapons of mass destruction and their delivery systems in the region;
- Accession by all States to the relevant international instruments, in particular the NPT, the CTBT, the Chemical Weapons Convention and the Biological Weapons Convention, and endorsement by all of the Hague code against missile proliferation;
- Action by all States which have undertaken to do so to adopt comprehensive safeguards and to place all nuclear facilities in the region under IAEA safeguards;

- Adoption and implementation of an additional IAEA protocol by all States in the region;
- Elimination of existing stockpiles of chemical and biological weapons and ballistic missile programmes involving proliferation;
- Strengthening of national measures to monitor exports of goods and technologies which can be used in the development of weapons of mass destruction and their delivery systems;
- Prevention of the acquisition of weapons of mass destruction and their delivery systems by terrorists;
- Endorsement by all the States in the region of the G-8 principles adopted in Kananaskis;
- Identification and securing of all dangerous sources of radiation in the region.

5. France will continue to work towards these objectives in all relevant forums, with all States and partners concerned.

NPT/CONF.2005/PC.II/44

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

8 May2003

ORIGINAL: English

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Establishment of a Nuclear-Weapon-Free-Zone in the Middle East

Report submitted by the Islamic Republic of Iran

In Accordance with the paragraph 16 on Regional Issues, sub paragraph 7 on the steps to promote the achievement of a NWFZ in the Middle East and the realization of the goals and objectives of the 1995 Resolution on the Middle East, the Islamic Republic of Iran reports the following:

1. Iran first initiated the idea of the establishment of a NWFZ as an important disarmament measure in the region of the Middle East in 1974, followed by the resolution of the United Nations General Assembly. Since 1980, the General Assembly of the United Nations has annually adopted, by consensus, a resolution on this issue. Continuous adoption of this resolution at the General Assembly is the manifestation of the global support for the promotion of peace, security and stability in the Middle East through realization of a NWFZ in the region

2. As a State Party to the NPT, the Islamic Republic of Iran is fully committed to its international undertakings and believes that this international instrument is the cornerstone of the non-proliferation regime. Universal adherence of this Treaty, in particular in the region of the Middle East, would effectively ensure the establishment of a NWFZ in the region. At present, Israel is the only non-party to the NPT in the region. Despite the repeated calls by the international community demonstrated in the Resolution on the Middle East, adopted by the NPT 1995 Review and Extension Conference, related resolutions of the General Assembly, IAEA and OIC, Israel has neither acceded to the NPT, nor placed its nuclear facilities under IAEA full-scope safeguards. Israel has not even declared its intention to accede to the Treaty. Israel's clandestine nuclear activities would seriously threaten both regional peace and security and endanger the non-proliferation regime.

3. The NPT 2000 Review Conference reaffirmed the importance of the Resolution on the Middle East (1995). Due to the significant provisions of this resolution, the Islamic Republic of Iran and other states in the region truly expect that this resolution should be swiftly implemented, especially by its co-sponsors, i.e. the Russian Federation, the United States of America and the United Kingdom of Great Britain and the Northern Ireland as depositories of the NPT.

4. Unconditional adherence of Israel to the NPT and concluding the full-scope safeguard Agreement with the IAEA would, undoubtedly, lead to the early realization of the NWFZ in the Middle East. Neglecting the commitment voluntarily undertaken by this important resolution can only embolden Israel to continue to remain as a source of threat and instability in the Middle East by flouting the wish of the international community and remaining outside of the fold of the NPT and full-scope safeguard regime. In this context, we believe that national reports that do not address negative implications of Israel's intransigence to join NPT, like the one by Australia contained in NPT/CONF.2005/PCII/12 are not as effective as they ought to be in accordance with the 1995 resolution on the Middle East.

5. In implementing its obligations under the NPT and specifically Article II and III of the Treaty, all nuclear facilities of the Islamic Republic of Iran are devoted to peaceful purposes and are under the full-scope safeguards of the IAEA. Furthermore to contribute to the realization of a world free from weapons of mass destruction particularly in the Middle East, Iran has also joined the Chemical Weapons Convention (CWC), Biological Weapons Convention (BWC) and the 1925 Geneva Protocol.

6. The Islamic Republic of Iran in its bilateral and multilateral disarmament dialogues with some nuclear weapons states and key players in the European Union has always urged their active contributions towards the establishment of a NWFZ in the region of the Middle East.

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Realization of the goals and objectives of the 1995 resolution on the Middle East within the framework of the strengthened NPT review process

Report submitted by Syria

In 1968, Syria became one of the first States in the Middle East region to sign the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). It took this step because it was convinced that the possession of these weapons of destruction by any State in the Middle East would pose a threat to the region and be viewed as a major cause for concern, not only by the peoples of the region, but by the entire world.

Syria also signed a comprehensive safeguards agreement with the International Atomic Energy Agency (IAEA) and has consistently complied with all its international obligations thereunder. Every year since it signed this international agreement in 1992, Syria has opened its nuclear facilities for annual international inspection, because it is convinced, as are all Arab States that are all Parties to the NPT, of the need to establish a zone free of weapons of mass destruction in the Middle East.

It is this same conviction which motivated Syria to submit an initiative, in the first half of April 2003, to the United Nations Security Council, calling for the elimination of all weapons of mass destruction in the Middle East region. The initiative was supported by all Arab States. In it, Syria declared before the entire international community that it was willing to work alongside its Arab brothers and all States throughout the world to help turn the Middle East region into a zone free of all nuclear, chemical, and biological, weapons of mass destruction.

Syria has long been at the forefront of repeated calls, within the framework of the United Nations and the League of Arab States, for the establishment in the Middle East of a zone free of all weapons of mass destruction, in particular nuclear weapons. It has striven tirelessly and energetically for the realization of that goal. It also works intensively to secure the adoption, at the annual regular sessions of the IAEA General Conference, of the resolution on the application of IAEA safeguards in the Middle East, which calls upon all parties directly concerned to consider seriously taking the practical and appropriate steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the Middle East. The resolution furthermore invites the countries concerned to adhere to international non-proliferation regimes, including the Treaty on the Non-Proliferation of Nuclear Weapons, as a means of complementing participation in a zone free of all weapons of mass destruction in the Middle East (GC(46)/RES/16, annex).

However, "Israel" has not responded to these calls. It continues to insist on being the only country in the region to remain outside the international system, refusing to respond to any international calls issued by the United Nations, whether through the General Assembly or the Security Council. To this day, "Israel" is the only country in the region which still refuses to accede to the NPT, to sign a comprehensive safeguards agreement, or to open its nuclear facilities for IAEA inspection. Indeed, it disregards all international resolutions relating to this particular topic.

In 1986, Syria became the first country to request, in an explanatory memorandum dated 10 June 1986 (document GC(XXX)/778), that an item entitled "Israeli nuclear capabilities and threat" should be included on the agenda for the regular sessions of the IAEA General Conference. Its request was agreed to and the item remained on the agenda until 1992, when the President of the Conference issued a presidential statement proposing that it should be dropped in order to safeguard the peace process that was under way at the time. Since the cessation of the peace process, however, the General Conference has failed to adopt a resolution on the Israeli nuclear threat. It has been content with issuing a presidential statement that neither applies any pressure on "Israel", nor requires it to comply with any international demands. This is a matter of great concern to the region, because Israel's possession of nuclear weapons creates a huge imbalance of forces that threatens regional and international peace and security.

With regard to the resolution on the Middle East adopted by the 1995 NPT Review Conference, the 2000 NPT Review Conference succeeded in reaffirming that the resolution would remain in force until such time as its purposes and objectives had been achieved, and that it had been one of the main factors in the success of the 1995 conference. This is regarded as an important achievement of the Group of Arab States, which had participated actively in the proceedings at the time and had worked to present a clear and united position on the issue. Syria had also clearly expressed its views on this point at the time. It believes that the reasons for the adoption of the resolution remain just as valid today.

The purpose of the resolution was to secure the agreement of the majority of non-nuclear States parties to the adoption, without a vote, of a resolution providing for the indefinite extension of the NPT, on condition that the complaints of those same States, which could no longer be deferred, would be heard at a later stage. For this arrangement to work, the non-nuclear States relied on the good faith of the nuclear States in honouring their commitments. So far, those commitments have been utterly ignored. Moreover, any attempt to examine the shortcomings of the Treaty with a view to remedying the failings of which States Parties complain has also been ignored. We should like to recall here that, at every meeting of the Preparatory Committee, the United States of America has shown its determination to break and go back on the deal. There is no justification for its conduct, other than the consecration of the principle of double standards that allows Israel to remain a non-Party to the NPT and to preserve its nuclear arsenal.

Syria believes that the mechanism relating to concerns about the prevailing situation in the region, which the Secretary-General of the United Nations has been asked to set up, in accordance with the terms of the Final Document of the 2000 NPT Review Conference, should take account of the inflammatory situation prevailing in the region. Syria also reaffirms the need for this mechanism to bring international pressure to bear on Israel so that it accedes to the wishes of the international community, complies with United Nations resolutions and brings a halt both to its imperialist ambitions - exemplified by its continuing occupation of territory belonging to three Arab States, namely Syria, Lebanon and Palestine - and to the development of its nuclear arsenal. Syria should like, furthermore, to stress that this must be an international demand, not just an Arab or regional demand, since it represents a central element in ensuring the credibility and universality of the NPT and in giving effect to the principle of equity, which eschews the policy of double standards.

For as long as the Treaty has been in force, Syria and other Arab States have continued to demonstrate their good faith, relying on the good faith of the nuclear States too. However, the close ties between the United States of America and "Israel" have brought the region face to face with a situation in which international law is now being openly flouted. Thus, "Israel" has been helped, ever since its creation, to pursue its aggressive policies, culminating in its ongoing occupation of parts of Syrian, Lebanese and Palestinian territory which jeopardizes the security and stability of the entire region.

Finally, Syria believes that, in order to ensure transparency, universality of the NPT must first be achieved. The international community should therefore bring pressure to bear on Israel, in a resolute, impartial and non-discriminatory manner, in order to induce it to comply with international obligations and resolutions and to accede to the NPT, as a key step towards the establishment in the Middle East region of a zone free of weapons of mass destruction, in particular nuclear weapons. This is an issue which cannot be resolved by half measures. The call for the establishment of a nuclear-weapon-free zone in the Middle East region cannot be confined to the Arab and regional level alone, but must be echoed in meaningful international resolutions.

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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9 May 2003

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Realization of the goals and objectives of the 1995 resolution on the Middle East

Report submitted by Jordan

The Government of the Hashemite Kingdom of Jordan has the honour to submit the following report which explains the steps Jordan has taken since the first meeting of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, at which it submitted its report to the Chairperson of the Preparatory Committee, to achieve the following objectives:

1. To promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the resolution on the Middle East adopted by the 1995 Review Conference within the framework of an agreement providing for the indefinite extension of the Treaty, as well as of two other resolutions of the Review Conference.

2. To meet its obligations as laid down in the Final Document of the 2000 NPT Review Conference, which requests States parties, particularly the nuclear weapon States, the States of the Middle East and other interested States, to report through the United Nations Secretariat to the President of the 2005 Review Conference, as well as the Chairperson of the Preparatory Committee meetings to be held in advance of that Conference, on the steps that they have taken to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East.

Report

1. The Hashemite Kingdom of Jordan should like to reaffirm once more that it does not possess any weapons of mass destruction, including nuclear weapons, and that it is fully committed to the abandonment and rejection of the nuclear option in the world, particularly in the Middle East region.

2. Jordan continues to take part, within the framework of the United Nations General Assembly, in the sponsoring of a resolution on the establishment of a nuclear-weapon-free zone in the Middle East. The General Assembly, at its fifty-seventh session in 2002, adopted two resolutions relating to the risks of nuclear proliferation in the Middle East, namely resolution 57/55, and resolution 57/99, which calls upon Israel to accede to the NPT.

3. Jordan continues to take part in the General Conference of the International Atomic Energy Agency, which has adopted a resolution on the application of IAEA safeguards in the Middle East (GC(46)RES/16).

4. Jordan has contributed to the deliberations of the League of Arab States in the following ways:

- It pursues the dialogue on the promotion of the NPT and its goals, and sponsors numerous resolutions in this domain.
- It took part in the deliberations of the Committee concerned with the elaboration of a draft treaty aimed at turning the Middle East into a zone free of weapons of mass destruction, in particular nuclear weapons, which held its meetings in June 2002 and January 2003 respectively.
- It took part in the joint symposium of the League of Arab States and the United Nations Institute for Disarmament Research (UNIDIR) on the subject: "Establishment of a zone free of weapons of mass destruction in the Middle East: the international non-proliferation regime and regional tests", which was held in Cairo on 29 and 30 January 2003.

5. Jordan is involved in other international forums, such as the Organization of the Islamic Conference and the Movement of the Non-Aligned Countries, where it works to promote the application of the objectives of the NPT, particularly in the Middle East.

6. Jordan continues to pursue its efforts to establish a lasting, just and comprehensive peace in the Middle East.

The Hashemite Kingdom of Jordan should like to reiterate the importance of achieving the purposes of the NPT, namely universality, disarmament and peaceful cooperation. These aims have not yet been achieved in the Middle East, because of Israel's refusal to accede to the Treaty, it being the only State not to have done so.

The Hashemite Kingdom of Jordan should also like to reaffirm once more the need to implement the terms of the Final Document of the 2000 NPT Review Conference and to stress the importance of ensuring that nuclear States submit reports on the efforts that they have made to realize the goals and objectives of the resolution on the Middle East adopted by the 1995 Review Conference.

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Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Report by the United Kingdom on the goals and objectives of the 1995 Resolution on the Middle East

1. The United Kingdom welcomes the new opportunity for the people of Iraq to determine their own future. We are confident that this future will not involve weapons of mass destruction. We support the independent validation of any finds of weapons of mass destruction, leading to their final removal from Iraq. One of the triggers for the proliferation of weapons of mass destruction in the region has therefore been removed. The new situation provides us with the catalyst to pursue a comprehensive settlement in the Middle East, including the removal of weapons of mass destruction from the region.

2. The United Kingdom has consistently supported resolutions in the First Committee of the United Nations General Assembly calling for the establishment of a Middle East nuclear-weapon-free zone. The United Kingdom also supports the First Committee resolution on the risk of nuclear proliferation in the Middle East. In this respect we continue to call upon Israel to accede to the Non-Proliferation Treaty as a non-nuclear-weapon State and to conclude an associated full-scope Safeguards Agreement and Additional Protocol with the International Atomic Energy Agency (AIEA). We have recently reiterated these messages to Israeli officials, most recently in Jerusalem in March.

3. The United Kingdom has also taken steps with other countries in the region to establish the conditions for a zone free of weapons of mass destruction. Together with our European Union partners, we have carried out extensive lobbying activity to secure adherence by States in the Middle East to key non-proliferation agreements. Since the first session of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons we have lobbied States in the region on the question of signature and ratification of the Comprehensive Nuclear-Test-Ban Treaty, accession to the Chemical Weapons Convention and the Biological and Toxin Weapons Convention and agreement of an IAEA Additional Protocol.

4. We also recognise the impact that the conflict between Israel and the Palestinians has on international efforts to create a weapons-of-mass-destruction-free zone in the region. The United Kingdom is committed to efforts to move the Middle East peace process forward. We are actively engaged in efforts to end the violence, build confidence and resume talks based on Security Council resolutions 242(1967), 338(1973) and 1397(2002) and the principle of "land for peace".

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

8 April 2004

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Third session
New York, 26 April-7 May 2004

Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 Resolution on the Middle East

Report submitted by Canada

1. At the 58th session of the United Nations General Assembly, Canada supported a resolution calling for the establishment of a nuclear-weapon-free zone in the Middle East. Canada also played a key role in the adoption of a resolution on the application of safeguards in the Middle East by the International Atomic Energy Agency (IAEA) General Conference last September. While Israel maintains a policy of nuclear ambiguity, it is widely assumed to have developed a significant nuclear weapons capability. Canada has stated that it is convinced that this program is not in the long-term interests of Israel, of regional stability and of global security. Canada has called upon Israel to accede to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as a non-nuclear-weapon State.

2. Canada has also called for full adherence and compliance with the Treaty by States parties in the region, and has urged those six States in the region that have not concluded comprehensive safeguards agreements with the IAEA to do so. Canada has appealed to all states in the region to further contribute to regional stability and security by concluding Additional Protocols to their respective safeguards agreements, thereby demonstrating greater openness and transparency. Canada fully supports efforts by the IAEA to convene, as soon as possible, a forum on the application of safeguards, in which countries from the Middle East and other interested parties could learn from the experience of other regions about comprehensive verification arrangements and other confidence building measures that could contribute to the establishment of a nuclear weapons-free zone.

3. While Canada recognizes that Iran has a right to the use of nuclear energy for peaceful purposes, a number of significant unresolved questions about the scope and extent of Iran's nuclear program remain. At successive meetings of the IAEA Board of Governors and following four reports issued by the Agency, Canada joined consensus on three strong resolutions addressing this important issue. Canada has encouraged Iran to ratify promptly the Additional Protocol to its safeguards agreement that it has signed. Canada has been actively supporting IAEA efforts to verify Iran's commitment to nuclear non-proliferation and has raised its concerns bilaterally with Iran on numerous occasions.

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Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Report by the United Kingdom on the goals and objectives of the 1995 resolution on the Middle East

1. The United Kingdom applauds Libya's decision to rid itself of Weapons of Mass Destruction, including nuclear weapons, announced on 19 December 2003. We have worked in co-operation with the US to facilitate Libya's decision to acknowledge and renounce its WMD programme. At Libyan initiative, our experts have held, and continue to hold, detailed discussions about the Libyan programmes with their Libyan counterparts. We have facilitated Libyan engagement with the appropriate international bodies, the IAEA and the OPCW, and in co-operation with these agencies we have offered assistance with dismantlement of Libya's programme.

2. We welcome the new opportunity for the people of Iraq to determine their own future, including the handover of sovereignty to an interim Iraqi Government on 30 June 2004. We are confident that this future will not involve weapons of mass destruction. One of the catalysts for the proliferation of weapons of mass destruction in the region has therefore been removed. This provides a further encouragement for the pursuit of a comprehensive settlement in the Middle East, including the removal of weapons of mass destruction from the region.

3. In co-operation with France and Germany we have encouraged Iran to resolve international concerns about the purpose of its nuclear programme through active co-operation with the IAEA and through suspending its enrichment and reprocessing activities. In conjunction with the IAEA Board of Governors, we have secured Iranian agreement voluntarily to suspend development of its uranium enrichment-related and reprocessing activities. Until Iran resolves international concerns about the purpose of its nuclear programme, pursuit of these activities serves only to increase international concern.

4. The United Kingdom has consistently supported resolutions in the First Committee of the United Nations General Assembly calling for the establishment of a Middle East nuclear-weapon-free zone. The United Kingdom also supports the First Committee resolution on the risk of nuclear proliferation in the Middle East. In this respect we continue to call upon Israel to accede to the Non-Proliferation Treaty as a non-nuclear-weapon State and to conclude an associated full-scope Safeguards Agreement and Additional Protocol with the IAEA. We have continued to press these messages to Israeli officials, most recently in London in November 2003.

5. The United Kingdom has also taken steps with other countries in the region to establish the conditions for a zone free of weapons of mass destruction. Together with our European Union partners, we have carried out extensive lobbying activity to secure adherence by States in the Middle East to key non-proliferation agreements. Since the first session of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons we have lobbied States in the region on the question of signature and ratification of the Comprehensive Nuclear-Test-Ban Treaty, accession to the Chemical Weapons Convention and the Biological and Toxin Weapons Convention and agreement of an IAEA Additional Protocol.

6. We also recognise the impact that the conflict between Israel and the Palestinians has on international efforts to create a weapons-of-mass-destruction-free zone in the region. The United Kingdom is committed to efforts to move the Middle East peace process forward. We fully support the implementation of the "Road Map", and call on both sides to fulfil their commitments under the plan. We are actively engaged in efforts to end the violence, build confidence and resume talks based on Security Council resolutions 242(1967), 338(1973) and 1397(2002) and the principle of "land for peace".

NPT/CONF.2005/PC.III/6

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Steps taken by the People's Republic of China to facilitate the Middle East peace process and promote the establishment of a nuclear-weapon-free zone in the Middle East

Report submitted by China

China has been closely following the development of the Middle East situation. It has consistently attached great importance to the Middle East peace process and has actively supported efforts to establish a nuclear-weapon-free zone in the Middle East. In accordance with the provisions of the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, China would like to explain the steps it has taken to facilitate the peace process in the Middle East and promote the establishment of a zone free of nuclear weapons there.

I. Support for all multilateral efforts to promote the Middle East peace process

China is of the view that an early solution of the Middle East issue will not only be in the interests of the countries in the Middle East, but will also contribute to the peace and stability of the world. China therefore supports and actively participates in all international efforts that will help achieve peace and stability in that region.

China maintains that the Middle East issue should be resolved in a fair and reasonable manner through dialogue based on the relevant United Nations resolutions and on the principle of "land for peace", and that the peace, stability and development of the region should be speedily achieved.

China welcomes and supports the Arab Peace Initiative adopted at the 14th session of the League of Arab States Summit held in March 2002. China supports the Quartet performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict, and urges the Israeli and Palestinian sides to take effective measures and actively cooperate with the efforts of the various parties concerned to promote peace, so as to speedily implement this plan and achieve an early resolution of the Palestinian issue. In the view of China, the Syrian-Israeli and

Lebanese-Israeli peace negotiations are important elements of the Middle East peace process; an early start to such negotiations would aid in achieving genuine and comprehensive peace in the region.

2. Active commitment to promoting peace and facilitating negotiations through the channel of bilateral relations

China has established diplomatic relations with all the countries of the Middle East, has maintained good cooperation in various fields through bilateral contacts with countries in the region, and has actively promoted peace and facilitated negotiations there.

In its bilateral consultations and exchanges of visits with Palestine and Israel, China has consistently emphasized that peace negotiations are the only valid path to resolving conflicts. Meeting violence with violence can only deepen mutual hatreds. China appeals to the Palestinian and Israeli sides to exercise restraint and actively cooperate with the mediation efforts of the international community, so as to calm the conflict and return to the path of peace negotiations.

As the situation in the Middle East has evolved, Chinese leaders on several occasions have exchanged letters with the leaders of various countries in the Middle East to express the Chinese position. The Chinese Foreign Minister has, upon request or at his own initiative, telephoned the Israeli and Palestinian leaders or ministers of foreign affairs to elaborate on China's views of the Israeli-Palestinian situation, and urged the two sides to exercise restraint and prevent the conflict from escalating further so as to maintain stability in the region and create a favourable climate for an early resumption of peace negotiations.

3. Active participation of China's special envoy on the Middle East issue in international efforts for peace

In September 2002, in response to appeals from countries in the Middle East, especially the Arab countries, China appointed a special envoy on the Middle East issue. In November, the special envoy visited Egypt, Lebanon, Syria, Jordan, Israel and Palestine and held consecutive meetings with special envoys for the Middle East from the "Quartet" (the United States, the European Union, Russia and the United Nations) who were visiting the region. In May 2003, the Chinese special envoy visited Israel and Palestine, and visited Syria, Egypt, Lebanon, Saudi Arabia, Palestine and Israel in October 2003. During these visits, the special envoy set out China's position on promoting the Middle East peace process, and expressed China's support for and willingness to participate in all international efforts that will help the Middle East return to peace and stability, as well as China's willingness to participate actively in international meetings towards that end. The Chinese position was well received and taken seriously by all parties concerned. In December 2003, the special envoy attended an international meeting on the Geneva Initiative and expressed support for the efforts of all parties concerned to promote peace. The Chinese special envoy has consulted and maintained close contact with the Arab and Israeli sides and with other concerned parties in the international community.

4. Support for efforts to establish a nuclear-weapon-free zone in the Middle East

China has already undertaken unconditionally not to be the first to use nuclear weapons and not to use or threaten to use nuclear weapons against non-nuclear weapon states or nuclear-weapon-free zones, and has consistently supported efforts by countries to establish nuclear-weapon-free zones on the basis of voluntary consultations. In 1992, on the occasion of its accession to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), China issued a solemn call to all nuclear-weapon states "to undertake to support the proposition of establishing nuclear weapon-free zones, respect the status of such zones and undertake corresponding obligations".

China believes that the establishment of nuclear-weapon-free zones is conducive to preventing the proliferation of nuclear weapons and strengthening the international non-proliferation regime. In regions where tension prevails, the dangers of nuclear proliferation are even greater. From the very beginning, China has therefore clearly expressed its support for the efforts of the Middle East countries to turn the region into a nuclear-weapon-free zone, because it believes such efforts can help alleviate the tense situation in the region and contribute to the resolution of the Middle East issue.

China has always supported the establishment of a nuclear-weapon-free zone in the Middle East within the United Nations framework. Every year since 1974, the General Assembly has adopted a resolution sponsored by Egypt on establishing a nuclear-weapon-free zone in the Middle East. Egyptian president Mubarak has also put forward a proposal to build a zone free of weapons of mass destruction (WMD) in the Middle East, and has appealed to all countries in the region to make active efforts towards this goal and engage in serious negotiations on this matter. China has consistently adopted a favourable attitude towards the foregoing resolution and proposal, and also supported the decision on the Middle East issue adopted by the 1995 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

China has also actively promoted, on a bilateral level, the establishment of a nuclear-weapon-free zone in the Middle East. During high-level meetings with the leaders of all countries in the region, China has always spoken highly of efforts made by countries of the region to establish such a zone, and consistently stood by its clear position on supporting the establishment of such a zone.

In December 2003, Libya decided to abandon its WMD programmes, including its nuclear weapons programme. China has commented positively on this development, believing that this step by Libya is favourable for maintaining the non-proliferation regime, and conducive to promoting the peace and stability of the region. China has also joined the international community in supporting efforts to achieve an appropriate resolution of the Iranian nuclear question through negotiations within the framework provided by the International Atomic Energy Agency (IAEA). China is of the view that positive steps taken by Iran will promote the process of denuclearization in the Middle East. China believes that Israel's accession to the NPT and placement of all its nuclear facilities under IAEA comprehensive safeguards is essential for achieving the goal of accession to the NPT by all countries of the Middle East, as well as for strengthening the international non-proliferation regime.

Together with the international community, China is ready to continue making efforts and contributions towards the achievement of peace in the Middle East and the speedy establishment of a zone free of nuclear weapons in the region.

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Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East

Report submitted by Australia

Australia fully supports the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction and their means of delivery. Australia has joined the consensus every year at the UN General Assembly in support of the resolution calling for the establishment of a nuclear weapon-free zone in the Middle East freely arrived at among states of the region.

In the context of Australia's support for universality of the NPT Australia calls on Israel, as for other states yet to join the Treaty, to accede to it as a non-nuclear weapon state.

The Additional Protocol on strengthened IAEA safeguards offers Middle East states an important confidence building opportunity. Australia welcomes conclusion of Additional Protocols by Iran and Libya and looks forward to their full implementation. At Iran's invitation an Australian expert recently visited Tehran to provide training on Additional Protocol implementation. Australia will continue to urge conclusion by Middle East states of the Additional Protocol without delay or pre-condition.

Australia has joined with other IAEA Board members in urging Iran to resolve the continuing international concerns about its nuclear program. Iran must urgently cooperate fully with the IAEA to resolve outstanding questions, as must states, entities and persons which have supplied Iran's nuclear program.

Australia welcomed Libya's historic decision in December 2003 to eliminate verifiably all materials, equipment and programs leading to the production of nuclear weapons. Libya's actions stand as a prominent example of the benefits available to States which embrace transparency, and commit to compliance with the highest nuclear non-proliferation standards.

While countries of the Middle East would need to take the initiative in developing a Middle East zone free of weapons of mass destruction and their means of delivery, membership of and adherence to existing treaties and instruments would be a step towards this aim. Australia contributes to the goal of such a zone through its efforts to achieve universal membership of the NPT, CTBT, BWC, CWC, and our active support for the Hague Code of Conduct (HCOC) against the proliferation of ballistic missiles.

Australia is active in efforts to achieve universal application of nuclear safeguards measures – in the Middle East and elsewhere.

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Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

26 April 2004
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Report of the Kingdom of Morocco on the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons and the 1995 resolution on the Middle East

I. Implementation of the Nuclear Non-Proliferation Treaty and paragraph 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament

1. The Kingdom of Morocco remains committed to general and complete disarmament and, in particular, nuclear disarmament. Since its accession to the Treaty on the Non-Proliferation of Nuclear Weapons in 1970, it has consistently worked in favour of the total elimination of nuclear weapons and their non-proliferation. Morocco considers that the Non-Proliferation Treaty is the cornerstone of the nuclear non-proliferation regime and a key instrument for preserving peace and security in the world. Accordingly, it has always supported initiatives aimed at strengthening the authority of the regime and promoting its universality.

2. In implementation of the Treaty, Morocco concluded a safeguard agreement with the International Atomic Energy Agency (IAEA) in 1975. It is at an advanced stage in discussions with the Agency with a view to signing to the Additional Protocol in the near future.

3. In the General Assembly, Morocco has always supported the adoption of resolutions to promote nuclear disarmament and non-proliferation.

4. As a contracting party, the Kingdom of Morocco has consistently supported decisions aimed at strengthening the Treaty's review process.

5. The new international security situation, which came about after the events of 11 September 2001, underscored the vital importance of the Non-Proliferation Treaty and the need to preserve its validity and credibility in order to face threats linked to nuclear terrorism and arms of mass destruction and their delivery vehicles. Morocco believes that the Non-Proliferation Treaty's multilateral regime must be strengthened in order to combat the illegal proliferation of nuclear facilities and materials and the risks of nuclear terrorism.

6. Morocco ratified the Convention on the Physical Protection of Nuclear Material. It also notified the IAEA Director-General of its acceptance of the Code of Conduct on the Safety and Security of Radioactive Sources.

7. Morocco underscores the crucial importance of respect by all States parties for the provisions of the Non-Proliferation Treaty and the obligations under it.

8. Morocco, which supports a total nuclear-test ban, signed and ratified the Treaty on the Total Ban on Nuclear Tests. It deplores the fact that the Treaty, which was opened for signature on 24 September 1996, has still not entered into force. In this regard, it reiterates its appeal to all States which have not yet done so to accede to the Treaty without delay. It stresses the importance of respecting the nuclear-test moratoriums and the holding of conferences to facilitate the Treaty's entry into force.

9. Morocco reaffirms the inalienable right of the States parties to the Treaty to develop research in and the production and use of the energy for peaceful purposes, particularly through international cooperation under IAEA control.

10. Morocco supports actions aimed at ending the deadlock in the work of the Conference on Disarmament and continues to support the opening of negotiations for the elaboration of the treaty on fissile material, a legal instrument on negative security assurances and also a convention on nuclear disarmament.

11. Morocco fully supports the positive conclusions of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and reaffirms the importance of their implementation by the States parties in a transparent and irreversible manner.

II. Implementation of the 1995 resolution on the establishment of a nuclear-weapon-free zone in the region of the Middle East

1. The Kingdom of Morocco remains convinced that the establishment of nuclear-weapon-free zones helps strengthen the nuclear non-proliferation regime. For this reason, it has always supported the establishment of such zones where they do not exist.

2. Morocco was one of the first countries to call for the establishment of a nuclear-weapon-free zone in the Middle East because it considers that the existence of such a zone is not only a necessary measure to eliminate proliferation and insecurity in the region, but is also an international objective and a factor for the consolidation of peace and security in the world.

3. In the League of Arab States, Morocco has participated in the elaboration of a legal and technical mechanism relating to the establishment of a zone free of weapons of mass destruction in the Middle East.

4. Within IAEA, Morocco is taking active steps to promote the implementation of the Agency's safeguards regime throughout the region of the Middle East because it believes that this is an essential international security measure.

5. Morocco encourages the conclusion by all States in the region of the Middle East, including Israel, of generalized safeguards agreements with IAEA, as an important step towards establishing a climate of trust among the States of the region

and a preliminary measure for the establishment of a nuclear-weapon-free zone in the Middle East.

6. Morocco has helped to promote confidence-building measures among the States that are parties to the conflict in the Middle East, particularly by participating in the activities of the Multilateral Working Group on Regional Security and Disarmament Questions in the Middle East.

7. The establishment of a nuclear-weapon-free zone in the Middle East requires that the only State in the region that is not yet a party to the Non-Proliferation Treaty — Israel — accede to it and submit its nuclear installations to the IAEA safeguards regime. This concern was explicitly referred to in the decisions of the 1995 and 2000 Non-Proliferation Treaty Review Conferences.

8. Morocco stresses the need for all parties concerned to take, as a matter of urgency, specific measures to establish a nuclear-weapon-free zone in the region of the Middle East and, pending the establishment of such a zone, to declare solemnly their intention to refrain, on the basis of reciprocity, from manufacturing, acquiring or possessing in any other way nuclear weapons or nuclear explosive devices and not to authorize the stationing of nuclear weapons in their territory by any third party.

9. Morocco believes that appropriate security measures for nuclear installations should be put in place.

10. The Kingdom of Morocco is carrying out ongoing work at both the regional and international levels to encourage all States in the region to commit themselves to bringing about a zone free of weapons of mass destruction in the Middle East.

11. The Kingdom of Morocco unceasingly reiterates its appeal to the nuclear Powers, particularly the depositaries of the Nuclear Non-Proliferation Treaty, and to the international community and international organizations to assume their respective responsibilities in bringing about a nuclear-weapon-free zone in the Middle East.

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East

Report submitted by Japan

1. Lack of progress in the establishment of a weapons-of-mass- destruction-free zone in the Middle East poses a serious problem for the credibility of the NPT. Japan supported, and continues to fully support, the 1995 Resolution on the Middle East, which calls for the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems. In this regard, following the fifty seventh session of the United Nations General Assembly, Japan once again joined, at the fifty eighth session, the consensus adoption of resolution 57/34 of 27 October 2003, entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East."

2. The establishment of a zone free of nuclear and all other weapons of mass destruction and their delivery systems in the Middle East will ultimately require the adherence by all states in the region to the NPT, the Biological Weapons Convention (BWC), and the Chemical Weapons Convention (CWC). Adherence to the Comprehensive Nuclear-Test-Ban Treaty (CTBT) by all states in the region would also be a substantial practical step towards this end. Japan has been actively taking part in international efforts to encourage universal adherence to these multilateral legally binding instruments on disarmament and non-proliferation of weapons of mass destruction. As a part of such endeavors, on the occasion of the visit of Minister for Foreign Affairs of Israel to Japan from 24 to 27 August 2003, Ms. Yoriko Kawaguchi, Minister for Foreign Affairs of Japan, urged the Israeli Government to become a Party to the NPT, the BWC and the CWC as well as to ratify the CTBT as soon as possible. Japan also urged, at the ministerial level, Governments of Syria, Egypt, and Iran to join the WMD related treaties at the earliest date.

3. It is no less important that compliance with these legal instruments should be fully assured. Japan also considers it crucial that the future Government of Iraq adhere to all relevant non-proliferation agreements in order to prove its willingness to behave as a responsible member of the international community.

In this context, Japan stresses the necessity of strengthening the IAEA Safeguards system, which plays a vital role in underpinning the NPT. Japan strongly believes that the conclusion of the IAEA Safeguards Agreements and Additional Protocols by all states in the region is essential for the establishment of a Nuclear-Weapon Free Zone. As a concrete measure to this end, Japan held an Expert Meeting on the IAEA Additional Protocol with the Iranian Authorities on 26 August 2003, and Japan is willing to hold similar meetings with other states in the region.

4. The recent decision by Libya to eliminate all programs to develop weapons of mass destruction is a significant step forward in the realization of the establishment of the weapons of mass destruction free zone in the Middle East. Japan is ready to assist Libya's on-going efforts to comply with the international legal instruments and frameworks on disarmament and non-proliferation and, in March 2004, sent officials in charge to Libya to hold discussions on disarmament and non-proliferation. Japan and Libya are planning to hold a Consultation on Disarmament and Non-Proliferation in the early future.

5. Japan is firmly committed to supporting the Middle East peace process, a key to achieving regional stability. Such stability is a vital factor in establishing conditions for a zone free of weapons of mass destruction. Japan will strengthen its efforts to work with Israelis and Palestinians, as well as other countries concerned, to resume peace negotiations between the two sides, providing assistance for the Palestinians' reform efforts and building confidence in the mid to long-term.

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Report presented by the Syrian Arab Republic at the third session of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons with a view to the realization of the goals and objectives of the 1995 resolution on the Middle East within the framework of the strengthened review process for the Non-Proliferation Treaty

New York, 26 April-7 May 2004

The Syrian Arab Republic was one of the first States in the Middle East to sign, in 1968, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). It did so out of the conviction that the possession by any State in the Middle East of such devastating weapons would pose a threat to the region and be a source of great anxiety not only to the peoples of the region but to the countries of the entire world.

Syria has also signed a comprehensive safeguards agreement with the International Atomic Energy Agency (IAEA). It has committed itself and remains committed to all international requirements in that area and has submitted its facilities to yearly international inspections from its signing of that international agreement in 1992 to the present, owing to its conviction regarding the need to establish, in the Middle East, a zone free of weapons of mass destruction, and above all nuclear weapons. That conviction is shared by all Arab States, all of which have become parties to the NPT.

On the basis of that firm belief the Syrian Arab Republic submitted to the Security Council, in the latter half of April 2003, an initiative aimed at ridding the Middle East region of weapons of mass destruction that was supported by all the Arab States. Syria declared before the international community that it would participate with its Arab sister States and indeed all the countries of the world in transforming the Middle East region into a zone free of all weapons of mass destruction, be they nuclear, chemical or biological.

Syria has long been a forerunner, whether in the United Nations or in the League of Arab States, in the appeal to make the Middle East a zone free of weapons of mass destruction, especially nuclear weapons. It has striven tirelessly and effectively for the creation of such a zone. It has worked assiduously, through the annual regular sessions of the IAEA General Conference, for the adoption of a resolution for the application of the Agency's safeguards in the Middle East, requesting all parties directly concerned to consider in earnest the adoption of suitable practical measures for the implementation of the proposal to establish a nuclear-weapons-free zone in the Middle East. It has invited the countries concerned to accede to the international non-proliferation regimes, including the NPT, as a means of completing their contribution towards a zone free of all weapons of mass destruction in the Middle East (document GC(46)/16). Israel, however, has not responded to that invitation, but rather insists on continuing to be the sole country in the region to remain outside the international system, refusing to accede to any international call emanating from the United Nations, whether the General Assembly or the Security Council. It will be recalled that Israel is the only country in the region that has refused to accede to the Treaty on the Non-Proliferation of Nuclear Weapons. It has also refused to sign a comprehensive safeguards agreement and to submit all its nuclear activities to the IAEA international inspection system and in fact exhibits the utmost disdain for the relevant international resolutions.

The Syrian Arab Republic was the first country, in 1986, to request IAEA to include in the agenda of the regular sessions of its General Conference an item entitled "Israeli nuclear capabilities and threat", based on an information note issued as document GC(XXX)/778, of 10 June 1986. The request was approved and the item remained on the agenda until 1992, at which time the President of the General Conference issued a presidential statement in which he explained that in order to maintain the peace process at that time, the item would be dropped. To date, however, even after the peace process came to a halt, the General Conference has consistently failed to adopt a resolution concerning the "Israeli nuclear threat", confining itself instead to the issuance of presidential statements that do not exert any pressure on Israel or make it comply with any international requirements. This is a matter of great concern in the region, owing to the enormous inequality in the balance of power stemming from Israel's possession of nuclear weapons and thus posing a threat to regional and international peace and security.

As for the resolution on the Middle East, adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the 2000 Review Conference succeeded in reaffirming that it would remain in force until its goals and objectives were achieved and that it was one of the main components of the success of the 1995 Conference. This is an important achievement of the Arab Group, which engaged in effective participation at the time and worked towards the development of a unified position on the matter. The Syrian Arab Republic, which clearly expressed its opinion on this point at the time, considers that the reasons that led to the adoption of the resolution are still valid today. Its purpose was to garner the support of most of the non-nuclear-weapon States parties for a resolution to extend the Treaty indefinitely without a vote, with the proviso that the complaints of those States should be examined subsequently — something that brooks no further delay. Those States relied on the good faith of the nuclear-weapon States in honouring their commitments, which were totally ignored thereafter. Even the study of the shortcomings of the Treaty, with a view to filling in the gaps about which States parties complained, has been ignored. Let us mention here that at every one of the Preparatory Committee's meetings the United States of America was intent on breaching and disavowing that covenant, with no other justification for its behaviour than to consecrate the principle of double standards and to keep Israel out of the Treaty and preserve its nuclear arsenal.

Syria considers it essential that the mechanism relating to concerns over the current situation in the region, which the Secretary-General of the United Nations is requested to prepare pursuant to the final document of the 2000 Review Conference of the Parties to the Treaty, should reflect current events that are ablaze in the region. Syria reaffirms that it is essential for that mechanism to exert international pressure to compel Israel to accede to the wishes of the international community, implement the resolutions of international legitimacy and to put an end to its colonialist aspirations consisting in the continued occupation of land belonging to three Arab States, namely Syria, Lebanon and Palestine, and to the development of its nuclear arsenal. At the same time, Syria stresses the need for that demand to be international, not merely Arab or regional, as an essential factor in ensuring the credibility and globality of the NPT and in realizing the principle of a just balance by avoiding a policy of double standards.

Syria and the other Arab States have continued to evince good faith for a long time, i.e., since the first days of the Treaty, relying on the good faith of the nuclear-weapon States. However, the close ties between the United States of America and Israel have brought the region to the situation of open violation of international legitimacy that we now see before us. In this way Israel has been assisted since its inception in the pursuit of its policy of aggression, continuing to this day to occupy part of Syrian, Lebanese and Palestinian territories and thereby threatening the peace and stability of the entire region.

Finally, Syria considers that in order to achieve the desired transparency, it is imperative first of all to make the NPT global through the exertion of pressure on Israel by the international community, in earnest and without partiality or discrimination, to abide by international commitments and resolutions and accede to the NPT as a major step towards making the Middle East region a zone free of weapons of mass destruction, especially nuclear weapons, for the matter cannot be resolved by half-solutions. The appeal for making the Middle East such a zone must not be made at the Arab or regional level only; it requires the adoption of serious international resolutions.

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Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Report on steps taken to promote the achievement of an effectively verifiable Middle East zone free from nuclear weapons as well as other weapons of mass destruction, and the realization of the goals and objectives of the 1995 resolution on the Middle East

Report submitted by Sweden

In the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in the section entitled "Article VII and the security of non-nuclear-weapon States", paragraph 16 on "Regional Issues", subparagraph 7, it is stated that:

"The Conference requests all States parties, particularly the nuclear-weapon States, the States of the Middle East and other interested States, to report through the United Nations Secretariat to the President of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, as well as to the Chairperson of the Preparatory Committee meetings to be held in advance of that Conference, on the steps that they have taken to promote the achievement of such a zone (i.e. a Middle East zone free from nuclear weapons as well as other weapons of mass destruction, *our remark*) and the realisation of the goals and objectives of the 1995 Resolution on the Middle East."

Sweden would hereby like to communicate the following information regarding the realisation of the goals and objectives of the Resolution.

1. Endorses aims and objectives of Middle East peace process and recognises that efforts in this regard, as well as other efforts, contribute to, inter alia, a Middle East zone free of nuclear weapons as well as other weapons of mass destruction.

Sweden supports negotiations for a just, enduring and comprehensive peace settlement in the Middle East, based on Security Council resolutions 242 and 338, and the principles derived from successive agreements between the parties. Sweden is strongly committed to the need for a zone free from weapons of mass destruction in the Middle East. This goal could be promoted in several ways, for example, by making full use of the confidence-building measures that exist within the framework of the EU Mediterranean co-operation (the Barcelona Process) and by establishing mechanisms for transparent and reliable verification in order to destroy the weapons of mass destruction in the region.

2. Calls on the remaining State not party to the Treaty to accede to it, thereby accepting an international legally binding commitment not to acquire nuclear weapons or nuclear explosive devices and to accept IAEA safeguards.

Sweden continues to emphasise the importance of universal accession and adherence to the NPT. We call upon Israel to sign and ratify the NPT and to place all its nuclear facilities under comprehensive IAEA safeguards.

3. Notes the continued existence in the Middle East of unsafeguarded facilities and urges those countries that operate unsafeguarded nuclear facilities to accept full-scope IAEA safeguards.

Sweden remains concerned with the existence of unsafeguarded nuclear facilities in the region. We urge all States in the Middle East that have not yet done so to conclude and bring into force comprehensive safeguards agreements and Additional Protocols with the IAEA.

4. Reaffirms importance of the early realisation of universal adherence to the NPT, and calls upon all States in the Middle East that have not yet done so, without exception, to accede to the NPT as soon as possible and to place their nuclear facilities under full-scope IAEA safeguards.

See answer under paragraph 2 and 3.

5. Calls upon all States in the Middle East to take practical steps in appropriate fora to make progress towards, inter alia, the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems, and to refrain from measures that preclude the achievement of this objective.

Sweden is strongly committed to the establishment of zones free of weapons of mass destruction, including nuclear weapons. Sweden voted in favour of resolution 58/34 entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East, which was adopted by the 58th United Nations General Assembly.

While welcoming Libya's decision to end its nuclear weapons programme and while acknowledging that Libya's decision could contribute to a process towards the establishment of a zone free from weapons of mass destruction in the Middle East, Sweden is concerned with the fact that Libya has been in breach of its obligations under its safeguards agreement with the IAEA.

The signature of the Additional Protocol by Iran and its voluntary suspension of all enrichment-related activities is welcome step. However, a number of questions surrounding Iran's nuclear programme remain outstanding. Iran must continue to co-operate fully with the IAEA in order to resolve them. Regarding Iraq, at present, the IAEA is the sole organisation, with legal powers derived from the NPT and the United Nations Security Council resolutions, to verify Iraq's nuclear disarmament. Inspections still need to be completed in order to resolve remaining questions about Iraq's nuclear programme. In regard to other weapons of mass destruction in Iraq, UNMOVIC is the sole organisation, with legal powers derived from the United Nations Security Council resolutions, to verify Iraq's disarmament.

6. Call upon all States parties to the NPT, and in particular the nuclear-weapons States, to extend co-operation and support efforts towards the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems.

Sweden continues to support the establishment of regional nuclear weapon free zones.

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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New York, 26 April-7 May 2004

Steps taken during the past year to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolutions on the Middle East

Report submitted by Egypt

General

Pursuant to the report submitted by Egypt to the Second Session of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (document NPT/CONF.2005/PC.II/9), Egypt has the honor to submit this follow-up report, which sets forth the steps Egypt has taken during the past year to promote the realization of the goals and objectives of the 1995 resolution on the Middle East.

I. Introduction

Since the First Session of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation on Nuclear Weapons, Egypt has worked continuously to realize the goals and objectives of the 1995 resolution on the Middle East.

In this context, the establishment of a nuclear-weapon-free-zone in the Middle East has remained an item of high priority on Egypt's diplomatic agenda, after nearly 30 years of efforts to rid the Middle East of nuclear weapons and of other weapons of mass destruction.

II. Egyptian efforts at the international level

As in past years, Egypt submitted a resolution (58/34) to the General Assembly of the United Nations at its fifty-eighth session on the establishment of a nuclear-weapon-free zone in the region of the Middle East. The resolution, which was adopted without a vote, "urges all parties directly concerned to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East in accordance with the relevant resolutions of the General Assembly, and, as a means of promoting this objective invites the countries concerned to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons". The resolution furthermore "invites the nuclear-weapons States and all other States to render their assistance in the establishment of the zone..."

Egypt, acting on behalf of the States of Members of the United Nations that are Members of the League of Arab States, also submitted a resolution (58/68) entitled "The risk of nuclear proliferation in the Middle East", which was adopted by an overwhelming majority of States Members. The resolution "reaffirms the importance of Israel's accession to the Treaty on the Non-Proliferation of Nuclear Weapons and placement of all its nuclear facilities under comprehensive International Atomic Energy Agency safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East". The resolution calls upon Israel "to accede to the Treaty on the Non-Proliferation of Nuclear Weapons without further delay and not to develop, produce, test or otherwise acquire nuclear weapons and to renounce possession of nuclear weapons, and to place all its unsafeguarded nuclear facilities under full-scope International Atomic Energy Agency safeguards as an important confidence-building measure among all States of the region and as a step towards enhancing peace and security".

Upon Egypt's initiative, the General Conference of the International Atomic Energy Agency at its forty-sixth session once again adopted by consensus, a resolution (GC(47)/RES/13) entitled "Application of IAEA Safeguards in the Middle East". The resolution "affirms the urgent need for all States in the Middle East to forthwith accept the application of full-scope Agency safeguards to all their nuclear activities as an important confidence-building measure among all States in the region and as a step in enhancing peace and security in the context of the establishment of a nuclear-weapon-free zone (NWFZ)". The resolution also "calls upon all parties directly concerned to consider seriously taking the practical and appropriate steps required for the implementation of the proposal to establish a mutually and effectively verifiable NWFZ in the region..." and upon all States "especially those with a special responsibility for the maintenance of international peace and security, to render all assistance to the Director-General by facilitating the implementation of this resolution".

The support of the international community for the three aforementioned resolutions is evidence of the international community's continuing concern over the risk of nuclear proliferation in the Middle East and the urgency surrounding this issue. Egypt regrets, however, that little has been done to translate this sense of urgency into concrete measures.

III. Egyptian efforts at the regional level

At the regional level, Egypt continued to play an active role within the framework of the League of Arab States on issues relating to the Treaty on the Non-Proliferation of Nuclear Weapons. Thus, it has participated in the adoption of several resolutions on subjects that fall within the scope of the Treaty.

Egypt has also played a prominent role in the work of the technical committee charged with formulating a draft treaty on the establishment in the Middle East of a zone free of weapon of mass destruction. Two meetings of the Committee were held in Cairo in June 2003 and January 2004.

Egypt also reported in its submission to the Second Session of Preparatory Committee in 2003 that it had participated in a symposium held in Cairo in February 2003 that was jointly organized by the League of Arab States and the United Nations Institute for Disarmament Research (UNIDIR). The symposium was entitled "Building a Zone Free Weapons of Mass Destruction in the Middle East: Global Non-Proliferation Regimes and Regional Experiences".

IV. Egyptian effort at the national level

Egypt's strong commitment to the objective of ridding the Middle East of nuclear weapons and all other weapons of mass destruction was reaffirmed at the national level in an address given by President Hosni Mubarak to a joint session of the Egyptian Parliament on 16 November 2002, in which he said: "We continue to call – insistently – for the same standards to be applied to Israel as are applied to Iraq so that it may abandon all its capabilities in the field of weapons of mass destruction as one of the main elements for a just and comprehensive peace in the Middle East, and that will also strengthen international efforts to prevent the proliferation of such weapons, in the view of the threat they pose to all mankind".

Also at the national level, and within the context of its comprehensive safeguards agreement with the International Atomic Energy Agency, Egypt continued to receive IAEA inspection teams throughout the past year. All the inspections showed that Egypt is complying fully with its commitments under the safeguards agreement with the Agency.

V. Conclusion

During the past year, Egypt continued to explore every avenue that could lead to concrete progress in the establishment of a nuclear-weapon-free-zone in the Middle East. It believes that others – especially those in the Middle East region – should make an equally strong commitment. In the case of Israel, this commitment has not been forthcoming.

Egypt believes that if the credibility and cohesiveness of the international nuclear non-proliferation regime is to be maintained, the international community must show a greater commitment to the objective of ridding the Middle East of the threat of nuclear weapons, in keeping with its own resolutions and decisions.

NPT/CONF.2005/PC.III/32

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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New York, 26 April-7 May 2004

Establishment of a nuclear-weapon-free-zone in the Middle East

Report submitted by the Islamic Republic of Iran

In Accordance with the paragraph 16 on Regional Issues, sub paragraph 7 on the steps to promote the achievement of a NWFZ in the Middle East and the realization of the goals and objectives of the 1995 Resolution on the Middle East, the Islamic Republic of Iran reports the following:

1. Iran first initiated the idea of the establishment of a NWFZ as an important disarmament measure in the region of the Middle East in 1974, followed by the resolution of the United Nations General Assembly. Since 1980, the General Assembly of the United Nations has annually adopted, by consensus, a resolution on this issue. Continuous adoption of this resolution at the General Assembly is the manifestation of the global support for the promotion of peace, security and stability in the Middle East through realization of a NWFZ in the region.

2. As a State Party to the NPT, the Islamic Republic of Iran is fully committed to its international undertakings and believes that this international instrument is the cornerstone of the non-proliferation regime. Universal adherence of this Treaty, in particular in the region of the Middle East, would effectively ensure the establishment of a NWFZ in the region. At present, Israel is the only non-party to the NPT in the region. Despite the repeated calls by the international community demonstrated in the Resolution on the Middle East, adopted by the NPT 1995 Review and Extension Conference, related resolutions of the General Assembly as well as of the IAEA and OIC, Israel, confident of the political and military support of the United States, has neither acceded to the NPT, nor placed its nuclear facilities under IAEA full-scope safeguards. Israel has not even declared its intention to accede to the Treaty. Israel's clandestine nuclear activities, with the support of the United States, seriously threaten both regional peace and security and endanger the non-proliferation regime.

3. The NPT 2000 Review Conference reaffirmed the importance of the Resolution on the Middle East (1995). Due to the significant provisions of this resolution, the Islamic Republic of Iran and other states in the region truly expect that this resolution should be swiftly implemented, especially by its co-sponsors, i.e. the Russian Federation, the United States of America and the United Kingdom of Great Britain and the Northern Ireland as depositories of the NPT.

4. Unconditional adherence of Israel to the NPT and concluding the full-scope safeguard Agreement with the IAEA would, undoubtedly, lead to the early realization of the NWFZ in the Middle East. Neglecting the commitment voluntarily undertaken by this important resolution can only embolden Israel to continue to remain as a source of threat and instability in the Middle East by flouting the wish of the international community and remaining outside of the fold of the NPT and full-scope safeguard regime. In this context, we believe that national reports that do not address negative implications of Israel's intransigence to join NPT are not as effective as they ought to be in accordance with the 1995 Resolution on the Middle East.

5. In implementing its obligations under the NPT and specifically Article II and III of the Treaty, all nuclear facilities of the Islamic Republic of Iran are devoted to peaceful purposes and are under the full-scope safeguards of the IAEA. Furthermore to contribute to the realization of a world free from weapons of mass destruction particularly in the Middle East, Iran has signed the Comprehensive Test Ban Treaty (CTBT) and also joined the Chemical Weapons Convention (CWC), Biological Weapons Convention (BWC) and the 1925 Geneva Protocol.

6. The Islamic Republic of Iran in its bilateral and multilateral disarmament dialogues with some Nuclear Weapons States and members of the European Union, including in the joint statement of 21 October 2003 by Iran and the Foreign Ministers of France, Germany and the United Kingdom, has always urged their active contributions towards the establishment of a NWFZ in the region of the Middle East.

7. The Islamic Republic of Iran believes that the 2005 Review Conference should establish a subsidiary body to Main Committee II to consider and recommend proposals on the implementation of the 1995 Resolution on the Middle East.

NPT/CONF.2005/PC.III/35

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

4 May 2004
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Report on the Middle East — pursuant to paragraph 16 (7) of the section on Article VII in the Final Document of the 2000 NPT Review Conference — concerning the steps taken by France to promote the creation of a zone free of nuclear weapons as well as other weapons of mass destruction and the realization of the goals and objectives of the 1995 resolution on the Middle East

France reaffirms its support for the objectives of the resolution on the Middle East adopted by the 1995 NPT Review and Extension Conference.

It calls for the implementation of that resolution by all the States concerned in order to progress towards a lasting peace in the Middle East and the creation in the region of a zone free of nuclear weapons as well as other weapons of mass destruction and their means of delivery. Hence the following statement, made by the French Minister of Foreign Affairs at a news conference on the Middle East, on 30 April 2003:

> "The multilateral non-proliferation regime should apply to the whole region. It must be backed up by the definition of a new regional security framework based on confidence-building and non-aggression measures. The proposal for an area free of weapons of mass destruction and their delivery systems, presented by President Mubarak and based on United Nations Security Council resolution 687 (1991), provides a solid basis in this respect."

France has seized every opportunity at the bilateral and multilateral levels to stress the importance of the following measures:

- Establishment of a dialogue among all States in the region to restore lasting peace and stability in the Middle East;
- Compliance with the nuclear non-proliferation commitments made by all the States parties to the NPT;
- Cessation of proliferation of weapons of mass destruction and their delivery systems in the region;
- Accession by all States to the relevant multilateral instruments, notably the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the

Comprehensive Nuclear-Test-Ban Treaty (CTBT), the Chemical Weapons Convention, the Biological Weapons Convention, and adherence by all States to the Hague Code of Conduct (ICOC);

- Adoption of comprehensive safeguards by all States which have committed themselves to doing so, and placing of all nuclear facilities in the region under International Atomic Energy Agency (IAEA) safeguards;
- Adoption and implementation by all States in the region of an IAEA Additional Protocol;
- Elimination of existing stockpiles of chemical and biological weapons and of proliferating ballistic programmes;
- Strengthening of national measures to control exports of goods and technologies that may be used to develop weapons of mass destruction and their delivery systems;
- Prevention of the acquisition by terrorists of weapons of mass destruction and their delivery systems;
- Adherence by all regional States to the G8 principles adopted at Kananaskis;
- Identification and securing of all hazardous radiation sources in the region.

France will continue to work, in all the relevant forums and with all the States and partners concerned, towards the achievement of the objectives of the 1995 resolution on the Middle East, particularly in the light of the present crisis in the region.

As it recalled in the General Debate, the European Union supports the objective of universality of the NPT. It recalls that, as far as the Middle East is concerned, this applies to Israel.

Through the process of dialogue between European countries and the Islamic Republic of Iran, France has encouraged actions aimed at restoring confidence, thus preserving the objectives of the 1995 resolution. It welcomes the signing and implementation by Iran of an Additional Protocol and encourages full cooperation with IAEA, as well as a rapid ratification of that Additional Protocol.

It also welcomes the progress made in the case of the Libyan Arab Jamahiriya, in particular the following steps taken by that country: the dismantling of military nuclear programme components; corrective action conducted in cooperation with IAEA to ensure full compliance with the NPT and the comprehensive safeguards agreement; the signing and implementation of an Additional Protocol; the ratification of the CTBT; the accession to the Chemical Weapons Convention; and the effective elimination of existing chemical weapons stockpiles and of ballistic programmes with a range exceeding 300 km.

France encourages Iraq to make commitments reflecting its willingness to comply with the 1995 resolution, once it has recovered its sovereignty.

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and of paragraph 4 (c) of the 1995 decision on the principles and objectives for nuclear non-proliferation and disarmament, as well as on the 13 practical steps of the 2000 final document

Report submitted by Belgium

Regarding the reporting on the implementation of Article VI of the Treaty on the non-proliferation of nuclear weapons and of paragraph 4 (c) of the 1995 Decision on the 'Principles and Objectives for nuclear non-proliferation and disarmament', Belgium refers to its report (NPT/CONF.2005/PC.II/37) submitted to the previous Preparatory Committee (28 April – 9 May 2003). The elements contained in this report remain valid.

Following its ratification in 2003, the Additional Protocol has entered into force in Belgium in 2004.

Belgium seizes this opportunity to reaffirm its commitment to regular reporting in the framework of the Treaty.

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

5 May 2004

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New York, 26 April-7 May 2004

Document submitted by the United States

The United States remains committed to the goal of the 1995 NPT Review Conference Middle East Resolution to promote a zone that is free of weapons of mass destruction. To achieve this goal, the U.S. has focused on three priorities: 1) Supporting efforts to end violence and promote political negotiations between Israel and the Palestinians; 2) Ensuring that states are in compliance with their NPT obligations; and 3) Encouraging all states in the region to join the NPT and adhere to other international nonproliferation treaties and regimes.

1. Support for Middle East Peace Efforts

Achievement of a comprehensive, just, and lasting peace in the Middle East remains a key U.S. foreign policy goal. All NPT parties support the goal of a region free from weapons of mass destruction. It will not happen without the achievement of a political settlement that provides safe and secure borders for the parties involved. NPT parties have recognized that efforts toward the goal of universal adherence to the NPT should include the improvement of regional security in the Middle East. The United States, European Union, United Nations and the Russia Federation, referred to collectively as the Quartet, worked together to develop the Road Map to realize President Bush's vision of two states -- Israel and Palestine -- living side by side in peace and security. The United States remains committed to the Road Map, the two-state vision, and negotiated settlement.

2. Ensuring Compliance with NPT Obligations

The Middle East poses a significant challenge to the nuclear nonproliferation regime. During the 2003 meeting of the Preparatory Committee, the United States expressed strong concern regarding non-compliance with the Treaty. There is little hope of establishing an agreement to create a regional zone free of weapons of mass destruction if we cannot ensure that nations of that region implement and uphold existing agreements to which they are parties. Ensuring compliance is our highest NPT priority. All NPT parties need to act with resolve in response to non-compliance issues. It is clear from recent events in the Middle East that NPT parties need to be vigilant against those who would abuse their rights under the Treaty to pursue "peaceful" nuclear programs to hide their real pursuits. Some have claimed allegiance to the NPT while acquiring sensitive nuclear technologies, maintaining nuclear weapon ambitions, and pursuing clandestine nuclear capabilities.

Non-compliance issues have been addressed in Iraq, where a dictatorship that violated the most basic rights of its people and its solemn nonproliferation commitments is gone and where the Iraq Survey Group continues its efforts to find and understand Iraq's WMD and prohibited missile programs. In the Transitional Administrative Law signed on March 8, the Iraqi Governing Council reaffirmed the commitment of the Iraqi people to Iraq's nonproliferation obligations and treaties.

Iran's nuclear program is at the forefront of Middle East compliance concerns. Public disclosures in 2002 of several clandestine Iranian nuclear facilities helped launch a rigorous, ongoing IAEA investigation into Iran's noncompliance with its safeguards obligations. IAEA Director General ElBaradei has issued four reports over the past year to the Board of Governors regarding Iran's covert nuclear activities. These reports confirm, in striking detail, what is now publicly known about Iran's 18-year history of clandestine nuclear activity. This activity includes undeclared uranium enrichment and plutonium reprocessing activities, pursuit of advanced P-2 centrifuge designs, experiments with uranium metal and polonium - both important nuclear weapons components - and willful and systematic efforts to hide these activities from the world. There is no doubt that for at least 18 years, Iran has been in serious violation of its NPT obligations.

The IAEA's investigation and verification work in Iran continues in an effort to address many unresolved issues. We anticipate another report from DG ElBaradei before the next Board meeting in June to provide further information on Iran's nuclear activities and to verify whether Iran is meeting its pledge to suspend all enrichment-related and reprocessing activity. The continued effort by Iran to pursue a nuclear weapons capability represents an unacceptable security threat to the world community, a fundamental challenge to the NPT, and a major roadblock to prospects for a WMD-free zone in the Middle East. Iran should abandon its policy of deception and take all necessary steps to permanently and verifiably abandon its nuclear weapons-related efforts.

On December 19, Libya pledged to eliminate its nuclear weapons program, declare all of its nuclear activities to the IAEA, and allow immediate inspections and monitoring to verify these actions. The United States and the United Kigdom have been working closely with the IAEA to help Libya fulfill its commitments. Libya's cooperation thus far has been excellent and virtually all declared equipment directly associated with Libya's nuclear weapons program has been removed from Libya – including nuclear weapons design and fabrication documents, advanced P-1 and P-2 centrifuges and components, and a large quantity of equipment associated with the centrifuge program. Highly enriched uranium fuel has been removed from the Libyan nuclear reactor at Tajura and transported to Russia as part of an international effort now underway to convert the reactor to less proliferation-sensitive low enriched uranium fuel. The joint U.S./UK efforts have been undertaken in close coordination with the IAEA, which has been present on the ground in Libya to observe U.S./UK removals, to inspect certain materials, and to place some specific items under seal.

Libya was found in noncompliance with its safeguards agreements by the IAEA Board of Governors on March 10, and this fact was reported to the United Nations Security Council. Because of the dramatic steps Libya has been taking to address these violations, however, the Board reported them to the Council for information purposes only, in the expectation that this progress will continue. The Security Council expressed its appreciation for Libya's decision in its April 22 Presidential Statement. As President Bush has made clear, Libya's renunciation of WMD is a crucial turning point along the path toward rejoining the international community. The United States is very pleased with Libya's success to date in fulfilling its December 2003 commitments, and believes that the "Libyan model" of WMD dismantlement is rapidly becoming a compelling international benchmark for other proliferators to emulate, and a signal victory for the NPT regime as a whole.

3. Universality of the NPT and Other Efforts to Strengthen Nonproliferation Treaties and Regimes

The United States continues to promote a regional environment that encourages broader acceptance by all Middle East states of international nonproliferation and disarmament norms. Promoting universal adherence to the NPT is crucial to this effort. Under Article IX of Treaty, current non-NPT parties may accede to the NPT only as non-nuclear-weapon states. U.S. law and policy continue to prohibit the supply of significant nuclear assistance to non-nuclear weapon states that do not accept IAEA safeguards on all of their nuclear activities. Current non-NPT parties do not meet this requirement and thus are ineligible to obtain significant nuclear supply from the United States. We also strongly promote other nonproliferation goals including:

- ratification and implementation of IAEA full-scope safeguards agreements;
- entry into force and full implementation of IAEA Additional Protocols;
- accession to the Chemical Weapon Convention;
- accession to the Biological Weapon Convention and support for effective BWC implementation procedures; and
- adherence to Nuclear Supplier Group guidelines, Missile Technology Control Regime and Australia Group and Wassenaar Agreement guidelines; and
- subscription to the International Code of Conduct Against Ballistic Missile Proliferation.

In addition, the United States continues to urge supplier states, both bilaterally and in international fora, to refrain from exporting any equipment and technology related to WMD and their delivery systems to countries in the Middle East, especially those that support terrorism. The United States again joined the international community last fall in adopting without a vote an UNGA resolution supporting the establishment of a nuclear weapon free zone in the Middle East. Clearly, the regional political situation would not currently permit the negotiation of such a treaty, but it is a measure of the U.S. commitment to a Middle East free of WMD that we support this resolution.

In an important speech on February 11, President Bush made a number of proposals designed to strengthen barriers against proliferation. Several of these initiatives have direct relevance to strengthening the global nonproliferation regime including the NPT. If adopted, they would measurably reduce the risk of WMD proliferation in the Middle East and elsewhere. Collective action of this type can assist in reducing access to WMD-related materials and in disrupting the purveyors of destruction. All civilized nations must understand the importance of cooperation in dealing with these grave challenges to our security. A strong commitment to nonproliferation by all nations of the Middle East, along with the resolve to tackle the complex political issues that divide them, is the only formula that can ultimately remove the specter of WMD from the region.

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

10 May 2004
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Report on measures to promote the establishment of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East

Report submitted by Tunisia

In accordance with the provisions of the final document of the sixth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons held in 2000 (NPT/CONF.2000/28) requesting all States parties, particularly the nuclear-weapons States, the States of the Middle East and other interested States, to report through the United Nations Secretariat to the Chairperson of the Preparatory Committee meetings to be held in advance of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons on the steps that they have taken to promote the achievement of such a nuclear-weapons-free zone and the realization of the goals and objectives of the 1995 resolution on the Middle East, the Government of Tunisia has the honour to transmit the following information:

Tunisia has always manifested its commitment to the principles of disarmament in general and nuclear disarmament in particular. It considers that nuclear-weapons-free zones play an important role in strengthening the nuclear non-proliferation regime and bringing about the complete elimination of nuclear weapons. Reflecting that stance:

- Tunisia acceded to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) on 26 February 1970.
- Tunisia signed a comprehensive safeguards agreement with the International Atomic Energy Agency (IAEA) on 24 February 1989 and ratified it on 12 February 1990. Negotiations concerning the signing of an additional protocol to the agreement are in progress.
- It signed the Comprehensive Nuclear-Test-Ban Treaty in 1996. The procedures for ratification are in progress.

- It signed the African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty) and in that regard welcomes the fact that the Antarctic Treaty and the Treaties of Tlatelolco, Rarotonga and Bangkok, along with the Pelindaba Treaty, are helping to free the Southern Hemisphere and adjacent areas from the presence of nuclear weapons. In that regard, it also welcomes the steps taken towards the conclusion of new treaties creating nuclear-weapons-free zones.
- Tunisia is one of the sponsors of the resolution submitted every year to the General Assembly by Egypt on behalf of the Arab Group of States on the risks of nuclear proliferation in the Middle East.
- Every year in the General Assembly it supports the resolution on the establishment of a nuclear-weapon-free zone in the region of the Middle East.
- At the 1999 substantive session of the Disarmament Commission, Tunisia played an active role in the Working Group on the establishment of nuclear-weapon-free zones, which adopted a report by consensus encouraging, among things, the establishment of such a zone in the Middle East.

In view of the importance of stability in the region of the Middle East for international peace and security, Tunisia remains concerned about the lack of progress in establishing a nuclear-weapons-free zone in the Middle East and in implementing the provisions of the 1995 resolution on the Middle East, which was an integral part of the decision on the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons.

Although all other countries in the region, without exception, are parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Israel, the possessor of nuclear weapons, is the only country that refuses to accede to the Treaty and to place all its nuclear facilities unconditionally under full-scope IAEA safeguards. The position taken by Israel is an obstacle to disarmament efforts in general and to the establishment of lasting peace in the region and is reflected in the excessive militarization pursued by Israel, which also possesses other weapons of mass destruction.

In this regard, it is the responsibility of all States parties to the Treaty and especially the nuclear powers to fulfil their commitments to realize the goals and objectives of the 1995 resolution on the Middle East and the provisions of the final document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

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Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

11 May 2004
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Report of the Government of Algeria on measures it has taken to promote the establishment of a nuclear-weapon-free zone in the Middle East and to achieve the goals and objectives of the 1995 resolution on the Middle East

1. In compliance with the provisions of the Final Document of the Sixth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in 2000, which requested all States Parties, particularly the nuclear-weapon States, the States of the Middle East and other interested States, to report through the United Nations Secretariat to the President of the 2005 Review Conference as well as to the Chairperson of the Preparatory Committee meetings to be held in advance of that Conference, on the steps that they have taken to promote the establishment of a nuclear-weapon-free zone in the Middle East and the achievement of the goals and objectives of the 1995 resolution on the Middle East, the Government of the People's Democratic Republic of Algeria has the honour to report as follows:

2. Algeria considers that the establishment of a nuclear-weapon-free zone is an effective contribution to the strengthening of regional peace and security and helps to strengthen the non-proliferation regime and to achieve the objectives of nuclear disarmament.

3. Given their proximity and the close ties between Africa and the Middle East, Algeria is deeply concerned at the lack of progress towards the establishment of a nuclear-weapon-free zone in this highly sensitive region. It therefore believes that practical steps must be taken to implement the provisions of the 1995 resolutions on the Middle East, which was submitted by the three NPT depositary States and adopted by the Fifth Review Conference.

In this regard, Algeria recalls that the Final Document of the 2000 Review Conference reaffirms the importance of this resolution and considers that, pending the realization of its goals and objectives, the resolution remains valid.

4. Algeria also endorses the position articulated by the States Parties at the Sixth Review Conference, calling on Israel to accede to the NPT and to submit its nuclear installations to the comprehensive safeguards regime of the International Atomic Energy Agency (IAEA) in order to achieve the goal of universal adherence to the

Treaty in the Middle East region and to realize the legitimate aspiration for the establishment of a nuclear-weapon-free zone.

5. Algeria has chosen to promote research into the peaceful uses of nuclear energy. Accordingly, it has acceded to the NPT and concluded in March 1996 a comprehensive safeguards agreement under which all its nuclear activities are subject to IAEA inspection in accordance with Article II of the Treaty. Algeria also ratified in July 2003 the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

6. Algeria's actions have always been aimed at promoting the establishment of nuclear-weapon-free zones throughout the world. It has subscribed to the Declaration of the Organization of African Unity (OAU) on the Denuclearization of Africa and, on 11 February 1998, it became the third African State to have ratified the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba). In that spirit, Algeria welcomed the creation of similar zones in Latin America and the Caribbean (Treaty of Tlatelolco), the South Pacific (Treaty of Rarotonga) and South-East Asia (Treaty of Bangkok), which have considerably reduced the risk of nuclear proliferation and contributed to the strengthening of international peace and security. It also welcomes the efforts being made by the five States of Central Asia to conclude a treaty for the establishment of a nuclear-weapon-free zone in that region.

7. As a member of the Group of Arab States, Algeria is a co-sponsor of the draft resolution on the risk of nuclear proliferation in the Middle East, submitted each year to the United Nations General Assembly, and supports the resolution on the establishment of a nuclear-weapon-free zone in the region of the Middle East. It also participated actively in the working group on the establishment of nuclear-weapon-free zones during the substantive session of the Disarmament Commission, held in April 1999.

NPT/CONF.2005/6

2005 Review Conference of the Parties
to the Treaty on the Non-Proliferation
of Nuclear Weapons

21 April 2005

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New York, 2-27 May 2005

Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 Resolution on the Middle East

Report submitted by Canada

1. At the fifty-ninth session of the General Assembly, Canada supported a resolution calling for the establishment of a nuclear-weapon-free zone in the Middle East. Canada also voted in favour of the resolution entitled "The risk of nuclear proliferation in the Middle East". At the United Nations, Canada has called for full adherence and compliance with the Treaty on the Non-Proliferation of Nuclear Weapons by States parties in the region, and has urged the four[1] States in the region that have not signed or ratified comprehensive safeguards agreements with the International Atomic Energy Agency (IAEA) to do so as soon as possible. Canada actively supported the adoption of a resolution on the application of safeguards in the Middle East by the IAEA General Conference in September 2004. Canada has appealed to all States in the region to contribute further to regional stability and security by concluding Additional Protocols to their respective safeguards agreements, thereby demonstrating greater openness and transparency. Canada fully supports efforts by the IAEA to convene, as soon as possible, a forum on the application of safeguards, in which countries from the Middle East and other interested parties could learn from the experience of other regions about comprehensive verification arrangements and other confidence-building measures that could contribute to the establishment of a nuclear-weapon-free zone.

2. Canada shares the serious international concerns about the scope and nature of Iran's nuclear programme. While Canada recognizes that Iran has a right to the use of nuclear energy for peaceful purposes, Iran has failed to provide any plausible justification for its efforts to acquire the full nuclear fuel cycle. In a speech to the Conference on Disarmament, delivered on 14 March 2005, Canada's Foreign Minister reaffirmed that Iran's extensive past undeclared nuclear activities, together with its efforts to acquire the full nuclear fuel cycle, have resulted in strong suspicions that Iran has nuclear weapons ambitions. He said that permanent cessation of Iran's uranium enrichment and other proliferation-sensitive activities is

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[1] Bahrain, Qatar, Saudi Arabia and Oman (signed on 28 June 2001 but not in force).

the only acceptable objective guarantee of the peaceful nature of Iran's nuclear programme. On 22 February 2005, Canada's Prime Minister said to a summit of NATO leaders that Iran must be encouraged to end its nuclear weapons programme. He expressed Canada's hope that the challenge could be addressed through dialogue and diplomacy, but emphasized that the international community must be prepared to stand behind its words with stronger measures if necessary. Iran's extensive past undeclared nuclear activities, which raise important questions about Iran's commitment to the Treaty on the Non-Proliferation of Nuclear Weapons, were clearly not in conformance with its safeguards obligations, a matter that Canada believes the IAEA should acknowledge and report to the Security Council as required by the Agency's statute. Canada has also encouraged Iran to ratify promptly the Additional Protocol and has actively supported IAEA safeguards activities in Iran.

3. Canada was deeply concerned by the revelation in late 2003 of Libya's nuclear weapon programme and other undeclared nuclear activities. Canada strongly supported the decision of the Libyan Government to end all nuclear weapons-related activities and the efforts of the IAEA to verify that important decision. That resoluteness to disarm in a transparent, irreversible and verifiable manner, together with Libya's commitment to accept enhanced inspections via the Additional Protocol and to respect fully all its disarmament obligations, were important steps reinforcing regional and international security.

4. When explaining its support for the resolution entitled "The risk of nuclear proliferation in the Middle East", Canada urged Israel, "in the crucial months leading up to the 2005 Review Conference, to take the necessary first steps to adhering to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State". This statement is in conformity with the Canadian Government's 1999 disarmament and non-proliferation policy statement, which called upon Israel to accede to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State, to separate its civilian and military fuel cycles and to place its civilian nuclear activities under IAEA safeguards. It also conforms with Security Council resolution 1540 (2004) on the non-proliferation of weapons of mass destruction, which calls on all States to promote the universal adoption and full implementation of multilateral treaties whose aim is to prevent the proliferation of nuclear, biological and chemical weapons.

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Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons

Report submitted by Poland

1. The present report presents a general overview of steps and measures undertaken by the Republic of Poland in the implementation of the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons as a whole. The report is focused on the measures undertaken by Poland since the conclusion of the sixth Review Conference in 2000 and reflects the provisions included in the Final Document of the Conference.

Article I

2. As a part of its official foreign policy, Poland consistently encourages nuclear-weapon States to commit themselves not to assist others in acquiring nuclear weapons or to make it possible for them to do so. That is why Poland welcomed the Global Partnership against the Spread of Weapons and Materials of Mass Destruction initiative adopted at the summit of the Group of Eight held in Kananaskis, Canada, in 2002 and decided to take an active part in that initiative by establishing legal instruments for cooperation in this field with the Russian Federation and the Libyan Arab Jamahiriya and by signing the appropriate memorandum of understanding in January 2005. Poland also joined the Proliferation Security initiative, also known as the Krakow initiative, launched in May 2003, and supported the Interdiction Principles for the initiative adopted in London in October 2003. The Polish Government hosted field exercises for participants in the initiative in April 2004 in Wroclaw, and organized the first anniversary meeting on the initiative in Krakow on 31 May and 1 June 2004. A bilateral field exercise with the Czech Republic, scheduled for June 2005, is being prepared.

Article II

3. Poland remains unequivocally committed to its obligation under article II of the Treaty not to transfer, manufacture or receive control over nuclear weapons. The trade, import, export, acquisition, brokering or transport of weapons of mass destruction whether nuclear, chemical or biological weapons or their components, through the territory of the Republic of Poland are explicitly prohibited under Polish

law. In this respect, the Atomic Law of November 2000, as amended in April 2004, and a new bill on the export control of trade in strategic goods and technologies of 2001, as amended in July 2004 must be mentioned.

4. In 2002, Poland submitted a proposal to strengthen the Warsaw Guidelines of the Nuclear Suppliers Group concerning the safety of nuclear installations and effectively supported the introduction into the Warsaw Guidelines of the reference to catch-all mechanisms in export controls.

5. Poland is also strongly engaged in the implementation of the European Union Strategy against Proliferation of Weapons of Mass Destruction, adopted in December 2003.

Article III

Safeguards

6. The agreement between Poland and the International Atomic Energy Agency (IAEA) for the application of safeguards in connection with the Treaty entered into force on 11 October 1972. The requirements of article III, paragraph 1, were therefore fulfilled with regard to Poland.

7. Poland has always underlined the importance of the process of strengthening the IAEA safeguards system, considering the additional protocols to be integral parts of the IAEA safeguards system for the treaty and mandatory for State parties to the Treaty. In line with that position, on 5 May 2000, Poland ratified the Additional Protocol to the Agreement on Safeguards between Poland and IAEA. As a consequence, a system of declarations and inspections has been introduced for entities that carry out activities in the field of nuclear energy.

8. Poland's accession to the European Union on 1 May 2004 is connected with the necessity of acceding to all the conventions and agreements binding for European Union member States. To fulfil that requirement with regard to the Treaty Poland is obliged to replace its bilateral safeguards agreement and its additional protocol with a trilateral agreement and protocol between European Atomic Energy Community, the non-nuclear weapon States of the European Union and IAEA, thus suspending the provisions of the bilateral legal instruments. At the moment the internal ratification procedure of the trilateral safeguards agreement and additional protocol are well advanced and the accession to them as well as elaboration of the relevant accounting and inspection procedures are expected to be effected in the near future.

Export control

9. Poland, being a member of both the Zangger Committee and the Nuclear Suppliers Group, implements its obligations under article III, paragraph 2, of the treaty by controlling its exports in accordance with provisions of the article not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by the article. Poland also cooperates in the framework of the exchange of

information system aimed at providing the States members of the Nuclear Suppliers Group with national control system refusals regarding dual-use products.

Article IV

10. Poland strongly supports the peaceful uses of nuclear energy. According to the medium-term national energy strategy plan, the construction of a nuclear power plant in Poland, with a capacity of approximately 3,000 MWe will be is taken into consideration in the next 15 to 20 years. Poland currently operates one nuclear research reactor. Nuclear technologies and techniques are applied in Poland in various fields (health care, industry, environmental protection, agriculture). Poland is also an active participant, both as a donor and as a recipient country, in IAEA technical cooperation programmes.

11. Nuclear safety and security questions are of utmost importance for Poland. Poland is a party to all the multilateral legal instruments created under the auspices of IAEA: the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, the Convention on Nuclear Safety, the Convention on the Physical Protection of Nuclear Material (Poland supports the amending process currently in its final phase) and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, and always takes part in their review conferences.

Article V

12. Since it ratified the Comprehensive Nuclear-Test-Ban Treaty in 1999, Poland has constantly reiterated its firm commitment to the Treaty.

13. Poland took part in the 1999, 2001 and 2003 conferences pursuant to article XIV of the Treaty with a view to facilitating its entry into force and fully supported the Final Declaration of the 2003 conference. Poland's proactive approach to the promotion of the Comprehensive Nuclear-Test-Ban Treaty was reaffirmed at the above-mentioned forums and during the respective sessions of the First Committee of the General Assembly.

14. Poland supports the important role of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organization and its provisional technical secretariat, which has a key role in successfully building an effective verification regime within the framework of the international monitoring system. In this connection, Poland has expressed its readiness to include Polish seismic stations as auxiliary stations in the international monitoring system.

Article VI

15. In accordance with the Final Document of the 2000 Review Conference, Poland would expect all nuclear-weapon States to continue their efforts aimed at achieving the long-term objective of eliminating nuclear weapons.

16. Poland welcomes the provisions of the Moscow Treaty of 2002 signed by the United States of America and the Russian Federation, which aims at significantly reducing the number of strategic warheads on both sides.

17. As regards work on nuclear disarmament at the Conference on Disarmament, the commencement of the negotiations on a fissile material cut-off treaty and its conclusion in the near future remains Poland's number one priority.

18. Poland has also actively participated in the process aimed at amending the Convention on the Physical Protection of Nuclear Material and welcomes the convening of the diplomatic conference on this matter, which is scheduled to be held in Vienna from 4 to 8 July 2005.

19. Poland also attaches great importance to the exchange of views and the decisions adopted at the General Assembly regarding nuclear disarmament and supported the following resolutions dealing with nuclear non-proliferation and disarmament:

- 57/69 — Establishment of a nuclear- weapon-free zone in Central Asia
- 59/63 — Establishment of a nuclear-weapon-free zone in the region of the Middle East
- 59/73 — Mongolia's international security and nuclear-weapon-free status
- 59/76 — A path to the total elimination of nuclear weapons
- 59/109 — Comprehensive Nuclear-Test-Ban Treaty
- 59/104 — Report of the Conference on Disarmament
- 58/48 — Measures to prevent terrorists from acquiring weapons of mass destruction
- 59/60 — Verification in all its aspects, including the role of the United Nations in the field of verification
- 59/81 — The Conference on Disarmament decision (CD/1547) of 11 August 1998 to establish, under item 1 of its agenda entitled "Cessation of the nuclear arms race and nuclear disarmament", and ad hoc committee to negotiate on the basis of the report of the Special Coordinator (CD/1299) and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices
- 59/65 — Prevention of an arms race in outer space
- 59/106 — The risk of nuclear proliferation in the Middle East
- 59/85 — Nuclear-weapon-free southern hemisphere and adjacent areas
- 59/91 — The Hague Code of conduct against Ballistic Missile Proliferation
- 57/60 — United Nations study on disarmament and non-proliferation education
- 59/94 — Bilateral strategic nuclear arms reductions and the new strategic framework

20. At the forty-eighth session of the General Conference of IAEA, Poland supported the following resolutions dealing with nuclear non-proliferation and disarmament:

- GC(48)/RES/11 — Nuclear security — Measures to Protect against Nuclear Terrorism, Progress on Measures to Protect against Nuclear and Radiological Terrorism
- GC(48)/RES/14 — Strengthening the Effectiveness and Improving the Efficiency of the Safeguards System and Application of the Model Additional Protocol
- GC(48)/RES/15 — Implementation of the NPT Safeguards Agreement between the Agency and the Democratic People's Republic of Korea
- GC(48)/RES/16 — Application of the IAEA Safeguards in the Middle East

Article VII

21. Poland welcomes the progress in arriving at and implementing nuclear-weapon-free zone agreements, in particular the accession of Cuba to the Treaty of Tlatelolco.

22. At the same time, Poland remains of the opinion that the process of developing and establishing nuclear-weapon-free zones should be strictly consistent with international law and the guidelines adopted by the Conference on Disarmament in 1998.

Article VIII

23. Poland supports the strengthened review process of the Treaty as adopted during the 1995 NPT review and extension conference. In this context, Poland follows the practice of reporting on the implementation of the Treaty as an important element of the review process. Poland is also looking forward to a substantial discussion on the format and scope of the reporting practice.

Article IX

24. Poland continues to emphasize the importance of the universalization of the Treaty and calls on countries who have not yet done so to accede to the Treaty without conditions and without further delay.

25. Poland deeply regretted the withdrawal of the Democratic People's Republic of Korea from the Treaty in 2003 and expressed its vivid concern over the announcement in February 2005 by the Democratic People's Republic of Korea that it possesses nuclear weapons.

26. As a member of the Korean Peninsula Energy Development Organization, Poland continues to urge the Democratic People's Republic of Korea to rejoin as a party to the treaty, to take part in the six-party talks, and to resume cooperation with IAEA by allowing IAEA inspectors to return to the Democratic People's Republic of Korea and to carry out inspections under the IAEA Safeguards Agreement.

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Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons

Report submitted by Peru

1. Situation of Peru with respect to implementation of the Treaty on the Non-Proliferation of Nuclear Weapons

1. Peru signed and adopted the Treaty for the Prohibition of Nuclear Weapons in Latin America in 1968, by Legislative Decree 17105. In 1970, by Decree Law No. 18133, it adopted the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) which establishes an undertaking regarding the peaceful uses of nuclear energy. Since it was planning to put into operation an experimental critical facility or zero power research reactor (PR-0), in 1979 Peru adopted the safeguards agreement with the International Atomic Energy Agency (IAEA) which is set forth in document INFCIRC/273 and which is consistent with that set forth in INFCIRC/153. It also signed a quadripartite agreement with Argentina, the United States and IAEA for the use of nuclear fuel in the PR-0, which noted that the nuclear material belonged to the United States but was being used by Argentina which, in turn, was supplying it temporarily to Peru for the PR-0.

2. In 2001, by means of Legislative Decree No. 27463, Peru adopted the Protocol Additional to the safeguards agreement; the latter was ratified on 15 June 2001 by Supreme Decree No. 049-2001-RE and entered into force on 23 July 2001. At that point Peru started providing the requisite expanded declarations and started the expanded access as required by IAEA.

Start of the safeguards

3. The starting point for the safeguards in Peru was when the nuclear material was transferred from Argentina to Peru. The first design information questionnaire (DIQ) was prepared and submitted to IAEA in order to establish procedures and guidelines for accountancy and control. Facility attachments were drawn up on the basis of that information in order to establish the requisite procedures for accountancy and control, such as types of reports and frequency of inspections and so forth.

4. As a result of the safeguards agreement, a national system of accountancy and control was set up; it is responsible for verifying and overseeing implementation of the safeguards.

Nuclear material subject to control

5. Initially, the PR-0 used uranium-235 enriched by 20 per cent on average which is considered low enriched uranium (LEU) contained in 232 fuel rods. The location of the PR-0 was called material balance area PE-A which was where the declared nuclear material was used. It should be noted that, at the time the balance area was set up, other nuclear materials, such as natural thorium and depleted uranium, were being used in Peru for non-nuclear purposes; they were included in the same balance area even though they did not have to be reported, given the amounts. In order to facilitate the accounting, Peru requested, in accordance with the safeguards agreement, an exemption from safeguards for the depleted uranium and a termination of safeguards for the thorium.

6. Another nuclear material considered between 1980 and 1990 was uranium recovered from other mining research activities. The total amount of such uranium concentrate is small (less than three kilos) and is kept in storage. The laboratory that did the experiment has been closed down.

Key measurement points

7. The PR-0 facility was called PE-A and two key measurement points (KMP) were established: one in the fuel storage area (KMP A), the other in the reactor core (KMP B). Only two records are required in the facility: the operating records, in order to be able to track the use of nuclear material in the reactor, and the book inventory of nuclear material.

8. In 1984, fuel elements of the type used in materials-testing reactors (MTR) and containing U-235 enriched to less than 20 per cent (LEU) were imported for the 10 Mw power reactor (PR-10) which was then under construction. Since they were stored in PE-A the initial inventory was changed; an inventory change report (ICR), showing an increase in nuclear material, was submitted to IAEA.

9. In 1988, construction of the 10 PR was completed and the MTR-type fuel elements stored in the PE-A facility were transferred to the other facility which, for purposes of the safeguards was designated PE-B. At this point the design information questionnaire was completed for submission to IAEA.

10. In 1990, an additional 28 MTR-type fuel elements were imported from Argentina for use in the PR-0 facility, whose core had been modified. Although the changes to the systems and components of the facility were not great, except in the core, a new design information questionnaire had to be drawn up for submission to IAEA.

11. In 1990, new facility attachments were drawn up for both the PR-0 and the PR-10 facility and they entered into force; they were reviewed and agreed to by a special IAEA mission.

12. The control measures carried out in the first 10 years of safeguards are reflected in the fact that there were close to 100 national inspections of the balance areas and nuclear materials, in addition to the annual inspections that IAEA made

until 1990. During the period between 1978 and 1990 some 50 reports were submitted to IAEA, 18 of which were material balance reports (MBR), another were of which 18 physical inventory listings (PIL) and 15 of which were inventory change reports. These reports related mostly to PE-A but some of them related to PE-B, which was established in 1989. The reports have been in keeping with the format describe in Code 10.

13. The said balance areas have the following features:

(a) Area PE-A: PR-0 critical facility which uses low-enriched U-235 nuclear material. Natural thorium used for making lamps (non-nuclear use) is subject to accounting; currently there are some 2,800 kilos stored in the plant that have not been used. Depleted uranium, which is used for armour plating in cobalt therapy units, has been exempted from safeguards control with IAEA approval;

(b) Area PE-B: 10 Mw reactor which uses low-enriched U-235 nuclear materials. The facility where fresh fuel elements are stored, reactor core, grid box and auxiliary pool have been established as the key measurement points.

14. The operating and internal accountancy records are kept in the balance areas. For the sake of convenience the other major records are kept by the national system of accountancy and control.

15. The rod-type fuel elements, which the PR-0 stopped using in 1988 and which were being stored in material balance area PE-A, were re-exported to Argentina in 1989; the relevant inventory change report was submitted to IAEA together with the notifications required by the relevant quadripartite agreement.

16. Between 1991 and 2004 there were 38 national inspections and 28 IAEA inspections. Reports relating to material balance, physical inventory and inventory changes have also been submitted as required under the safeguards agreement with IAEA. According to the findings of the inspections and the review of such reports by IAEA, Peru has been abiding by its commitments.

17. The national inspections have been carried out routinely and have included verification and complete identification of fresh fuel elements being stored and those located in the core and in the auxiliary pool in the case of PR-10. There is also a requirement to conduct a complete inventory of nuclear material each year.

Protocol Additional to the safeguards agreement

18. Following approval of the agreement, in January 2002, Peru began providing expanded declarations regarding research activities, facilities outside the nuclear materials site, activities of uranium and thorium mines, basic materials and equipment and related non-nuclear materials.

19. Even though not all the activities or materials mentioned in the protocol are being carried out or are present in the country, Peru has made the relevant declaration in the requisite format, indicating that there is nothing to declare. For example, although nuclear material is used as reactor fuel, no other activity or research related to the nuclear fuel cycle is being carried out and Peru does not have any basic materials indicated in the Protocol. It also submits quarterly declarations concerning exports of non-nuclear material and equipment that could be associated to nuclear activities. The information provided to IAEA has always been "nothing to declare" since Peru does not engage in such exports.

20. Within the context of the Additional Protocol there have been four instances of expanded access to places outside the facilities; the four visits were made by IAEA inspectors to verify the declarations submitted.

21. To date Peru has submitted 48 declarations to IAEA as required under the Protocol; there have been no further observations.

2. Peaceful use of nuclear energy and regulation thereof

22. Peru's nuclear activities relate mostly to the use of radiation sources in medicine and industry and, to a lesser extent, in research and education. Currently, it has an inventory of some 3,500 radiation sources. The only nuclear materials in the country are those contained in the fuel elements used by the zero power critical facility and the 10 Mw power reactor, both for purposes of research into and production of radioisotopes.

23. Given their radiological risks, these activities are subject by regulations and rules that have been in effect since 1980. The control system covers permits, inspections, regulation and monitoring of use.

24. As regards safeguards, in 1987 Peru adopted safeguards regulations covering the form and manner of implementing these measures. The regulations were amended in 1989 with a view to clarifying the requirements that all users of nuclear materials must fulfil, in order to help Peru fulfil its commitments. These regulations will have to be reviewed and amended in light of new international obligations.

25. The current regulatory framework consists of:

(a) Act No. 28028 governing the use of sources of ionizing radiation, which was enacted in July 2003. This Act is intended to regulate the peaceful use of radiation sources and it calls explicitly for fulfilment of the safeguards and of the treaties relating thereto;

(b) Regulations concerning authorizations, monitoring, control, violations and penalties relating to Act No. 28028, contained in Supreme Decree No. 041-2003-EM, setting forth obligations concerning the authorization that must be obtained in order to carry out activities with radiation sources, and also monitoring procedures and penalties for violation of the safety rules;

(c) Regulations pertaining to radiological safety, contained in Supreme Decree No. 009-97-EM, setting forth the technical requirements for safety and protection from ionizing radiation, both for workers and for the public and patients undergoing medical exams involving radiation;

(d) Regulations concerning Physical Protection of Nuclear Materials and Facilities, contained in Supreme Decree No. 014-2002-EM, regulating physical protection requirements that must be met in order to protect nuclear materials and facilities from unauthorized removal or sabotage;

(e) Act. No. 27757 restricting imports, which is designed to regulate the entry of radiation sources and equipment into Peru;

(f) Regulations pertaining to Act. No. 27757, listing the specific types of source and equipment that are subject to import control and the requirements for bringing them into the country.

26. The Peruvian Nuclear Energy Institute has been designated as the national authority responsible for overseeing, controlling and monitoring fulfilment of the provisions of the above regulations.

3. International nuclear cooperation for peaceful purposes

27. International cooperation has been provided primarily by IAEA through technical assistance projects involving provision of equipment, training and expert advice in a variety of areas relating to the peaceful applications of nuclear energy and nuclear and radiological safety.

28. International cooperation has also been provided through bilateral agreements with Argentina for the construction of the nuclear power plant, which comprises the nuclear reactor, the production plant and the radioactive waste facility.

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Report of the expert group on multilateral approaches to the nuclear fuel cycle submitted to the Director General of the International Atomic Energy Agency

Submitted by the International Atomic Energy Agency

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Multilateral Nuclear Approaches (MNAs)

Executive Summary

22 February 2005

1. The global nuclear non-proliferation regime has been successful in limiting, albeit not entirely preventing, the further spread of nuclear weapons. The vast majority of States have legally pledged to forego the manufacture and acquisition of nuclear weapons and have abided by that commitment. Nonetheless, the past few years have been a tumultuous and difficult period.

2. The decades long nuclear non-proliferation effort is under threat: from regional arms races; from actions by non-nuclear weapon States (NNWS) that have been found to be in fundamental breach of, or in non-compliance with their safeguards agreement, and which have not taken full corrective measures; from the incomplete manner in which export controls required by the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) have been applied; from burgeoning and alarmingly well-organised nuclear supply networks; and from the increasing risk of acquisition of nuclear or other radioactive materials by terrorist and other non-State entities.

3. A different significant factor is that the civilian nuclear industry appears to be poised for worldwide expansion. Rapidly growing global demand for electricity, the uncertainty of supply and price of natural gas, soaring prices for oil, concerns about air pollution and the immense challenge of lowering greenhouse gas emissions, are all forcing a fresh look at nuclear power. As the technical and organisational foundations of nuclear safety improve, there is increasing confidence in the safety of nuclear power plants. In light of existing, new and reawakened interest in many regions of the world, the prospect of new nuclear power stations on a large scale is therefore real. A greater number of States will consider developing their own fuel cycle facilities and nuclear know-how, and will seek assurances of supply in materials, services and technologies.

4. In response to the growing emphasis being placed on international cooperation to cope with non-proliferation and security concerns, the Director General of the International Atomic Energy Agency (IAEA), Mohamed ElBaradei, appointed in June 2004 an international group of experts (participating in their personal capacity) to consider possible multilateral approaches to the civilian nuclear fuel cycle.

5. The mandate of the Expert Group was three-fold:

- To identify and provide an analysis of issues and options relevant to multilateral approaches to the front and back ends of the nuclear fuel cycle;
- To provide an overview of the policy, legal, security, economic, institutional and technological incentives and disincentives for cooperation in multilateral arrangements for the front and back ends of the nuclear fuel cycle; and
- To provide a brief review of the historical and current experiences and analyses relating to multilateral fuel cycle arrangements relevant to the work of the expert group.

6. Two primary deciding factors dominate all assessments of multilateral nuclear approaches, namely "**Assurance of non-proliferation**" and "**Assurance of supply and services**". Both are recognised overall objectives for governments and for the NPT community. In practice, each of these two objectives can seldom be achieved fully on its own. History has shown that it is even more difficult to find an optimum arrangement that will satisfy both objectives at the same time. As a matter of fact, multilateral approaches could be a way to satisfy both objectives.

7. The non-proliferation value of a multilateral arrangement is measured by the various proliferation risks associated with a nuclear facility, whether national or multilateral. These risks include the diversion of materials from an MNA (reduced through the presence of a multinational team), the theft of fissile materials, the diffusion of proscribed or sensitive technologies from MNAs to unauthorised entities, the development of clandestine parallel programmes and the breakout scenario. The latter refers to the case of the host country "breaking out", for example, by expelling multinational staff, withdrawing from the NPT (and thereby terminating its safeguards agreement) and operating the multilateral facility without international control.

8. The "Assurance of supply" value of a multilateral arrangement is measured by the associated incentives, such as the guarantees provided by suppliers, governments and international organisations; the economic benefits that would be gained by countries participating in multilateral arrangements, and the better political and public acceptance for such nuclear projects. One of the most critical steps is to devise effective mechanisms for assurances of supply of material and services, which are commercially competitive, free of monopolies and free of political constraints. Effective assurances of supply would have to include back-up sources of supply in the event that an MNA supplier is unable to provide the required material or services.

Overview of options

9. Whether for uranium enrichment, spent fuel reprocessing, or spent fuel disposal and storage, **multilateral options** span the entire field between existing market mechanisms and a complete co-ownership of fuel cycle facilities. The following pattern reflects this diversity:

Type I: Assurances of services not involving ownership of facilities.

a) Suppliers provide additional assurances of supply;
b) International consortia of governments broaden the assurances;
c) IAEA-related arrangements provide even broader assurances.

Type II: Conversion of existing national facilities to multinational facilities.

Type III: Construction of new joint facilities.

10. On the basis of this pattern, the Group has reviewed the pros and cons associated with each type and option. Pros and cons were defined relative to a "non-MNA choice", namely that of a national facility under current safeguards.

Uranium enrichment

11. A healthy market exists at the front end of the fuel cycle. In the course of only two years, a nuclear power plant operating in Finland has bought uranium originating from mines in seven different countries. For example, conversion has been done in three different countries. Enrichment services have been bought from three different companies. Therefore, the legitimate objective of assurances of supply can be fulfilled to a large extent by the market. Nevertheless, this assessment may not be valid for all countries that have concerns about assurances of supply. Mechanisms or measures, under which existing suppliers or international consortia of governments or IAEA-related arrangements may be appropriate in such cases.

12. At first, *suppliers* could provide additional assurances of supply. This would correspond to enrichment plant operators, individually or collectively, guaranteeing to provide enrichment capacity to a State whose government had in turn agreed to forego building its own capacity, but which then found itself denied service by its intended enrichment provider for unspecified reasons. The pros include the avoidance of know-how dissemination, the reliance on a well-functioning market and the ease of implementation. The cons refer for example to the cost of maintaining idle capacity on reserve, and the lack of perceived diversity on the supplier side.

13. At a second level, international *consortia of governments* could step in, that is they would guarantee access to enrichment services, the suppliers being simply executive agents. The arrangement would be a kind of "intergovernmental fuel bank", e.g. a contract under which a government would buy guaranteed capacity under specified circumstances. Different States might use different mechanisms. Most pros and cons are shared with the preceding case.

14. Then, there are *IAEA-related arrangements*, a variation of the preceding option, with the IAEA acting as the anchor of the arrangement. Essentially, the Agency would function as a kind of "guarantor" of supply to States in good standing and that were willing to accept the requisite conditionality (which would need to be defined, but would likely need to include foreswearing a parallel path to enrichment/reprocessing plus acceptance of the Additional Protocol for NNWS). The IAEA might either hold title to the material to be supplied or, more likely, act as facilitator, with back-up agreements between the IAEA and supplier countries to fulfil commitments made by the IAEA effectively on their behalf. In effect, the IAEA would be establishing a default mechanism, only to be activated in instances where a normal supply contract had broken down for reasons other than commercial reasons. The suggested pros and cons are therefore similar, with the added value of broad international assurances. Several questions can be raised with respect to the IAEA and its special status as an international organisation subject to the control of its Member-States. Any guarantee provided by the IAEA would in fact require approval by its Board of Governors.

15. Where an MNA would take the form of a joint facility, there are two ready-made precedents, the Anglo-Dutch-German company Urenco and the French EURODIF. The experience of Urenco, with its commercial/industrial management on the one hand and the governmental Joint Committee on the other hand, has shown that the multinational concept can be made to work successfully. Under this model, strong oversight of technology and staffing, as well as effective safeguards and proper international division of expertise can reduce the risk of proliferation and even make a unilateral breakout extremely difficult. EURODIF on the other hand has a successful multinational record as well, by enriching uranium only in one country, while providing enriched uranium to its co-financing international partners, hence restricting all proliferation risks, diversion, clandestine parallel programme, breakout and the spread of technology.

Reprocessing of nuclear spent fuel

16. Taking into account present capacities to reprocess spent fuel for light water reactors and those under construction, there will be sufficient reprocessing capacity globally for all expected demands in plutonium-recycled fuel during some two decades. Therefore, objectives of assurances of supply can be fulfilled to a large extent without new reprocessing facilities involving ownerships (Types II and III).

17. Currently all reprocessing plants are essentially State-owned. By the very nature of the nuclear business worldwide, any guarantee from a supplier would have the implicit or explicit agreement of the corresponding government. As to *IAEA-brokered arrangements*, these could mean an IAEA participation in the supervision of an international consortium for reprocessing services.

18. *Converting a national facility* to international ownership and management would involve the creation of a new international entity that would operate as a new competitor in the reprocessing market. The pros reflect the advantages of bringing together international expertise, while the cons include non-proliferation disadvantages related to know-how dissemination and to the return of the separated plutonium. Other cons deal with the fact that, of the existing facilities, all except two Japanese facilities are in NWS or in non-NPT States. In many of those cases, appropriate safeguards will have to be introduced if they had not been applied before.

19. As noted above, the *construction of new joint facilities* will not be needed for a long time. Therefore, a prerequisite for the construction of new facilities is the demand for additional reprocessing and for recycled-plutonium fabrication. In the future such reprocessing and fabrication would be done on the same location.

Spent fuel disposal

20. At present there is no international market for spent fuel disposal services, as all undertakings are strictly national. The final disposal of spent fuel is thus a candidate for multilateral approaches. It offers major economic benefits and substantial non-proliferation benefits, although it presents legal, political and public acceptance challenges in many countries. The Agency should continue its efforts in that direction by working on all the underlying factors, and by assuming political leadership to encourage such undertakings.

21. The final disposal of spent fuel (and radioactive waste as well) in shared repositories must be looked at as only one element of a broader strategy of parallel options. National solutions will remain a first priority in many countries. This is the only approach for States with many nuclear power plants in operation or in past operation. For others with smaller civilian nuclear programmes, a dual-track approach is needed in which both national and international solutions are pursued. Small countries should keep options open (national, regional or international), be it only to maintain a minimum national technical competence necessary to act in an international context.

Spent fuel storage

22. Storage facilities for spent fuel are in operation and are being built in several countries. There is no international market for services in this area, except for the readiness of the Russian Federation to receive Russian-supplied fuel, and with a possible offer to do so for other spent fuel. The storage of spent fuel is also a candidate for multilateral approaches, primarily at the regional level. Storage of special nuclear materials in a few safe and secure facilities would enhance safeguards and physical protection. The IAEA should continue investigations in that field and encourage such undertakings. Various countries with state-of-the-art storage facilities in operation should step forward and accept spent fuel from others for interim storage.

Combined option: fuel-leasing/fuel take-back

23. In this model, the leasing State provides the fuel through an arrangement with its own nuclear fuel "vendors". At the time the government of the leasing State issues an export license to its fuel "vendor" corporation to send fresh fuel to a client reactor, that government would also announce its plan for the management of that fuel once discharged. Without a specific spent fuel management scheme by the leasing State, the lease deal will of course not take place. The leased fuel once removed from the reactor and cooled down, could either be returned to its country of origin which owns title to it, or, through an IAEA-brokered deal could be sent to a third party State or to a multinational or a regional fuel cycle centre located elsewhere for storage and ultimate disposal.

24. The weak part in the arrangement outlined above is the willingness, indeed the political capability, of the leasing State to take-back the spent fuel it has provided under the lease contract. It could well be politically difficult for any State to accept spent fuel not coming from its own reactors (that is, reactors producing electricity for the direct benefit of its own citizens). Yet, to make any lease-take-back deal credible, an ironclad guarantee of spent fuel removal from the country where it was used must be provided, otherwise the entire arrangement is moot. In this respect, States with suitable disposal sites, and with grave concerns about proliferation risks, ought to be proactive in putting forward solutions. Of course, commitment of client States to forego enrichment and reprocessing would make such undertakings politically more tolerable.

25. As an alternative, the IAEA could broker the creation of multinational or regional spent fuel storage facilities, where spent fuel owned by leasing States and burned elsewhere could be sent. The IAEA could thus become an active participant in regional spent fuel storage facilities, or third party spent fuel disposal schemes, thereby making lease-take-back fuel supply arrangements more credible propositions.

Overarching issues

26. Apart from the cross-cutting factors related to the implementation of MNAs, such as the technical, legal and safeguards ones, there are a number of overarching issues, primarily of a broad political nature, which may have a bearing upon perceptions of the feasibility and desirability of MNAs. These issues may be decisive in any future endeavour to develop, assess and implement such approaches at the national and international level.

Relevant articles of the NPT

27. The NPT incorporates a political bargain with respect to peaceful uses and nuclear disarmament without which the Treaty would not have been adopted nor received the widespread adherence it obtained afterwards. The promise by all States parties to cooperate in the further development of nuclear energy and for the NWS to work towards disarmament provided the basis for NNWS to abstain from acquiring nuclear weapons.

28. Cooperation in the peaceful uses of nuclear energy, which had earlier provided the basis for the foundation of the IAEA, is embodied in Article IV, which stipulates that nothing shall be interpreted as affecting the "*inalienable right of all Parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II*" (that specify the non-proliferation objectives of the Treaty). Furthermore, that same article specifies that all Parties to the NPT shall undertake to "*facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy*", and moreover to "*cooperate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes...*" Article IV was specifically crafted to preclude any attempt to reinterpret the NPT so as to inhibit a country's right to nuclear technologies - so long as the technology is used for peaceful purposes.

29. NNWS have expressed dissatisfaction about what they increasingly view as a growing imbalance in the NPT: that, through the imposition of restrictions on the supply of materials and equipment of the nuclear fuel cycle by the NWS and the advanced industrial NNWS, those States have backed away from their original guarantee to facilitate the fullest possible exchange referred to in Article IV and to assist all NNWS in the development of the applications of nuclear energy. There are also concerns that additional constraints on Article IV might be imposed.

30. Article VI of the Treaty obliges NWS Parties "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament." Many NNWS deem the implementation of Article VI of the NPT by NWS as unsatisfactory, as are the non-entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and the stalemate in the negotiations on a verifiable Fissile Material (Cut-off) Treaty (FM(C)T). Such concerns have fostered a conviction among many NNWS that the NPT bargain is being corroded.

Safeguards and export controls

31. Some States have argued that, if the objective of MNAs is merely to strengthen the nuclear non-proliferation regime then, rather than focusing on MNAs, it may be better to concentrate instead on the existing elements of the regime itself, for example, by seeking the universality of the Additional Protocol (AP) to IAEA safeguards agreements and by the universalisation of safeguards agreements and multilateral export controls.

32. The risks involved in the spread of sensitive nuclear technologies should primarily be addressed by an efficient and cost-effective safeguards system. The IAEA and regional safeguards systems have done an outstanding job in these matters. Safeguards, rationally and well applied, have been the most efficient way to detect and deter further proliferation and to provide States Parties with an opportunity to assure others that they are in conformity with their safeguards commitments. Of course, advances in technologies require safeguards to be strengthened and updated, while protecting commercial, technological and industrial secrets. The adoption of the Additional Protocol, and its judicious implementation based on State-level analysis, are essential steps against further nuclear proliferation. The Additional Protocol has proven to provide additional, necessary and effective verification tools, while protecting legitimate national interests in security and confidentiality. Sustained application of the Additional Protocol in a State can provide credible assurance of the absence of undeclared materials and activities in that State. Together with a comprehensive safeguards agreement, the Additional Protocol should become the de facto safeguards standard.

33. The above notwithstanding, the IAEA should endeavour to further strengthen the implementation of safeguards. For example, it should revisit three facets of its verification system:

a. The technical annexes of the Additional Protocol, which should be regularly updated to reflect the continuing development of nuclear techniques and technologies.

b. The implementation of the AP, which requires adequate resources and a firm commitment to apply it decisively. It should be recalled that the Model Additional Protocol commits the IAEA not to apply the AP in a mechanistic or systematic way. Therefore the IAEA should allocate its resources on problematic areas rather than on States using the largest amounts of nuclear material.

c. The enforcement mechanisms in case of fundamental breach of, or in case of non-compliance with, the safeguards agreement. Are these mechanisms progressive enough to act as an effective deterrent? Further consideration should be given by the IAEA to appropriate measures to handle various degrees of violations.

34. Export guidelines and their implementation are an important line of defence for preventing proliferation. Recent events have shown that criminal networks can find ways around existing controls to supply clandestine activities. Yet, one should remember that all States party to the NPT are obliged, pursuant to Article III.2 thereof, to implement export controls. This obligation was reinforced by United Nations Security Council Resolution 1540 (2004) that requires all States to enact and implement export controls to prevent the spread of weapons of mass destruction and related materials to non-State actors. The participation in the development and implementation of export controls should be broadened, and multilaterally-agreed export controls should be developed in a transparent manner, engaging all States.

35. In fact, the primary technical barriers against proliferation remain the effective and universal implementation of IAEA safeguards under comprehensive safeguards agreements and additional protocols, and effective export controls. Both must be as strong as possible on their own merits. MNAs will be complementary mechanisms for strengthening the existing non-proliferation regime.

Voluntary participation in MNAs versus a binding norm

36. The present legal framework does not oblige countries to participate in MNAs, as the political environment makes it unlikely that such a norm can be established any time soon. Establishing MNAs resting on ***voluntary*** participation is thus the more promising way to proceed. In a voluntary arrangement covering assurances of supply, recipient countries would, at least for the duration of the respective supply contract, renounce the construction and operation of sensitive fuel cycle facilities and accept safeguards of the highest current standards including comprehensive safeguards and the Additional Protocol. Where the demarcation line between permitted R&D activities and renounced development and construction activities has to be drawn is a matter for further consideration. In voluntary MNAs involving facilities, the participating countries would presumably commit to carry out the related activities solely under the common MNA framework.

37. In reality, countries will enter into such multilateral arrangements according to the economic and political incentives and disincentives offered by these arrangements. A political environment of mutual trust and consensus among the partners - based on full compliance with the agreed nuclear non-proliferation obligations of the partners - will be necessary to the successful negotiation, creation and operation of an MNA.

38. Beyond this, a new ***binding*** international norm stipulating that sensitive fuel cycle activities are to be conducted exclusively in the context of MNAs and no longer as a national undertaking would amount to a change in the scope of Article IV of the NPT. The wording and negotiation history of this article emphasise the right of each party in good standing to choose its national fuel cycle on the basis of its sovereign consideration. This right is not independent of the faithful abiding by the undertakings under Articles I and II. But if this condition is met, no legal barrier stands in the way of each State party to pursue all fuel cycle activities on a national basis. Waiving this right would thus change the "bargain" of the NPT.

39. Such a fundamental change is not impossible if the parties were to agree on it in a broader negotiating frame. For NNWS, such a new bargain can probably only be realised through universal principles applying to all States and after additional steps by the NWS regarding nuclear disarmament. In addition, a verifiable FM(C)T might also be one of the preconditions for binding multilateral obligations; such a treaty would terminate the right of any participating nuclear weapon States and non-NPT parties to run reprocessing and enrichment facilities for nuclear explosive purposes and it would bring them to the same level - with regard to such activities - as non-nuclear weapon States. The new restrictions would apply to all States and facilities related to the technologies involved, without exception. At that time, multilateral arrangements could become a universal, binding principle. The question may also be raised as to what might be the conditions required by NWS and non-NPT States to commit to binding MNAs involving them.

Nuclear-weapon States and non-NPT States

40. Weapon-usable material (stocks and flows) and sensitive facilities that are capable of producing such material are located predominantly in the NWS and non-NPT States. The concerns raised previously for MNAs in NNWS do not all apply when an MNA would involve NWS or non-NPT States. Yet, one of the questions here relates to the possibility that the nuclear material produced in an MNA could contribute to such a State's nuclear non-peaceful programme. This shows again the relevance of a FM(C)T.

41. The feasibility of bringing NWS and non-NPT States into MNAs should indeed be considered at an early stage. As long as MNAs remain voluntary, nothing would preclude such States from participating in an MNA. In fact, France (in connection with the EURODIF arrangement) and the United Kingdom (in connection with Urenco) are examples of such participation. In transforming existing civilian facilities into MNAs subject to safeguards and security requirements, such States would demonstrate their support for non-proliferation and for peaceful international nuclear collaboration.

Enforcement

42. Eventually, the success of all efforts to improve the nuclear non-proliferation regime depends upon the effectiveness of compliance and enforcement mechanisms. Enforcement measures in case of non-compliance can be partially improved by MNAs' legal provisions, which will carefully specify a definition of what constitutes a violation, by whom such violations will be ruled on, and enforcement measures that could be directly applied by the partners in addition to broader political tools.

43. Nevertheless, enhanced safeguards, MNAs, or new undertakings by States will not serve their full purpose if the international community does not respond with determination to serious cases of non-compliance, be it diversion, clandestine activities or breakout. Responses are needed at four levels, depending upon the specific case: the MNA partners of the non-compliant State; the IAEA; the States Parties to the NPT; and the UN Security Council. Where these do not currently exist, appropriate procedures and measures must be available and must be made use of at all four levels to cope with breaches and non-compliance instances, in order to unequivocally make clear that States violating treaties and arrangements should not be permitted to do so unimpeded.

Multilateral nuclear approaches: the future

44. Past initiatives for multilateral nuclear cooperation did not result in any tangible results. Proliferation concerns were perceived as not serious enough. Economic incentives were seldom strong enough. Concerns about assurances of supply were paramount. National pride also played a role, alongside expectations about the technological and economic spin-offs to be derived from nuclear activities. Many of those considerations may still be pertinent. However, the result of balancing those considerations today, in the face of a latent multiplication of nuclear facilities over the next decades and the possible increase in proliferation dangers may well produce a political environment more conducive to MNAs in the 21st century.

45. The potential benefits of MNAs for the non-proliferation regime are both symbolic and practical. As a confidence-building measure, multilateral approaches can provide enhanced assurance to the partners and to the international community that the most sensitive parts of the civilian nuclear fuel cycle are less vulnerable to misuse for weapon purposes. Joint facilities with multinational staff put all MNA participants under a greater degree of scrutiny from peers and partners and may also constitute an obstacle against a breakout by the host partner. They also reduce the number of sites where sensitive facilities are operated, thereby curbing proliferation risks, and diminishing the number of locations subject to potential thefts of sensitive material. Moreover, these approaches can even help in creating a better acceptance for the continued use of nuclear power and for nuclear applications, and enhance the prospects for the safe and environmentally sound storage and disposal of spent nuclear fuel and radioactive waste.

46. As far as assurances of supply are concerned, multilateral approaches could also provide the benefits of cost-effectiveness and economies of scale for whole regions, for smaller countries or for those with limited resources. Similar benefits have been derived in the context of other technology sectors, such as aviation and aerospace. However, the case to be made in favour of MNAs is not entirely straightforward. States with differing levels of technology, different degrees of institutionalisation, economic development and resources and competing political considerations may not all reach the same conclusions as to the benefits, convenience and desirability of MNAs. Some might argue that multilateral approaches point to the loss or limitation of State sovereignty and independent ownership and control of a key technology sector, leaving unfairly the commercial benefits of these technologies to just a few countries. Others might argue that multilateral approaches could lead to further dissemination of, or loss of control over, sensitive nuclear technologies, and result in higher proliferation risks.

47. In summary, the Expert Group on Multilateral Approaches for the Nuclear Fuel Cycle has reviewed the various aspects of the fuel cycle, identified a number of options for MNAs deserving further consideration, and noted a number of pros and cons for each of the options. It is hoped that the report of the Expert Group will serve as a building block, or as a milestone. It is not intended to mark the end of the road. MNAs offer a potentially useful contribution to meeting prevailing concerns about assurances of supply and non-proliferation.

48. The Group recommends that steps be taken to strengthen overall controls on the nuclear fuel cycle and the transfer of technology, including safeguards and export controls: the former by promoting universal adherence to Additional Protocols, the latter through a more stringent implementation of guidelines and a universal participation in their development.

49. In order to maintain momentum, the Group recommends that attention be given - by the IAEA Member States, by the IAEA itself, by the nuclear industry and by other nuclear organisations - to multilateral nuclear approaches in general and to the **five approaches** suggested below.

Five suggested approaches

The objective of increasing non-proliferation assurances associated with the civilian nuclear fuel cycle, while preserving assurances of supply and services around the world could be achieved through a set of gradually introduced multilateral nuclear approaches (MNA):

1. Reinforcing **existing commercial market mechanisms** on a case-by-case basis through long-term contracts and transparent suppliers' arrangements with government backing. Examples would be: fuel leasing and fuel take-back offers, commercial offers to store and dispose of spent fuel, as well as commercial fuel banks.

2. Developing and implementing **international supply guarantees** with IAEA participation. Different models should be investigated, notably with the **IAEA as guarantor** of service supplies, e.g. as administrator of a fuel bank.

3. Promoting voluntary conversion of **existing facilities to MNAs**, and pursuing them as **confidence-building measures**, with the participation of NPT non-nuclear- weapon States and nuclear-weapon States, and non-NPT States.

4. Creating, through voluntary agreements and contracts, **multinational, and in particular regional, MNAs for new facilities** based on joint ownership, drawing rights or co-management for front-end and back-end nuclear facilities, such as uranium enrichment; fuel reprocessing; disposal and storage of spent fuel (and combinations thereof). Integrated nuclear power parks would also serve this objective.

5. The scenario of a further expansion of nuclear energy around the world might call for the development of a **nuclear fuel cycle with stronger multilateral arrangements** – by region or by continent - **and for broader cooperation**, involving the IAEA and the international community.

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Chapter 1 - Foreword

Background

1. In his statement to the IAEA General Conference in September 2003, the Director General observed that international cooperation in the context of the design and operation of the nuclear fuel cycle was an important issue that had been discussed over the years, but which, in his view, now merited serious consideration as part of the global effort to cope with increasing nuclear non-proliferation and security challenges. He stated that such consideration should include an evaluation of the merits of limiting the use of weapon-usable material (high enriched uranium and plutonium) in civilian nuclear programmes, by permitting it only under multilateral control, and that any exploration of this kind had to be accompanied by appropriate rules of transparency, control and, above all, assurance of supply of nuclear fuel cycle services. He emphasized that strengthened control of weapons usable material was key to efforts to strengthen nuclear non-proliferation and to enhance international security. These proposals were refined and reiterated in his October 2003 article published in *The Economist*.[1]

2. The Director General also referred to the need to consider the merits of multinational approaches to the management and disposal of spent nuclear fuel and radioactive waste. As he pointed out, not all countries have the appropriate conditions for geologic disposal - and, for many countries with small nuclear programmes for electricity generation or for research, the financial and human resource investments required for research, construction and operation of a geologic disposal facility were not available. Considerable economic, safety, security and non-proliferation advantages may therefore accrue from international cooperation on the construction and operation of international nuclear spent fuel and waste repositories. In his statement of September 2003, the Director General also indicated that the merits and feasibility of these and other approaches to the design and management of the nuclear fuel cycle should be given in-depth consideration.

3. In March 2004, in his statement to the IAEA Board of Governors, the Director General referred to the wide dissemination of the most proliferation-sensitive parts of the nuclear fuel cycle – the production of new fuel, the processing of weapon-usable material and the disposal of spent fuel – as the possible "'Achilles' heel' of the nuclear non-proliferation regime", and to the importance of tightening control over such operations. He indicated that this could be done by bringing such parts of the nuclear fuel cycle under some form of multilateral control, with appropriate checks and balances to preserve commercial competitiveness, to control the proliferation of sensitive information and to ensure the supply of fuel cycle services for peaceful applications. The Director General informed the Board that he would appoint an independent group of experts to examine the feasibility of moving forward with such measures.

4. In June 2004, the Director General informed the Board of Governors that he had appointed an international expert group, chaired by Bruno Pellaud, former IAEA Deputy Director General for Safeguards, to consider options for possible multilateral approaches to the front and back ends of the nuclear fuel cycle (multilateral nuclear approaches, MNA).

5. The IAEA serves as the global focal point for nuclear cooperation and is tasked with a dual objective: "to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world" and to "ensure, so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purpose."[2]

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[1] ELBARADEI, M., Towards a safer world, The Economist, 16 October (2003).

Mandate

6. The mandate of the Expert Group was three-fold:

- To identify and provide an analysis of issues and options relevant to multilateral approaches to the front and back ends of the nuclear fuel cycle;
- To provide an overview of the policy, legal, security, economic, institutional and technological incentives and disincentives for cooperation in multilateral arrangements for the front and back ends of the nuclear fuel cycle; and
- To provide a brief review of the historical and current experiences and analyses relating to multilateral fuel cycle arrangements relevant to the work of the Expert Group.

7. The Director General, in his invitation to the experts, stated that he expected that this work may result in practical proposals which, if implemented, could provide enhanced assurance to the international community that sensitive portions of the nuclear fuel cycle are less vulnerable to misuse for proliferation purposes and thereby facilitate the continued uses of nuclear energy for peaceful purposes.

8. Speaking on the occasion of the first meeting of the Expert Group, the Director General, in elaborating on the Group's mandate, recommended that it address the issue in all of its various facets, and in particular to assess the potential for a positive impact on international security. He requested the Group to take into account the perceptions and expectations of all interested stakeholders and stressed that, to be successful, new approaches must go beyond the outright denial of technology. The Director General noted the importance of examining multilateral options with respect to both the front end and the back end of the civilian fuel cycle, noting that any solution must be inclusive and without reference to the status of particular countries under the NPT. He asked the Group not to confine itself to finding "one-size-fits-all approaches" and cautioned that what works in one region may not be the most ideal approach in another. He also agreed that the concept of multilateral nuclear approaches could be placed in the broader context of the nuclear non-proliferation regime as a whole, including the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), a verifiable Fissile Material (Cut-off) Treaty (FM(C)T) and other relevant agreements.

9. The Expert Group held a series of four one-week meetings over the period August 2004 to February 2005, at the IAEA headquarters in Vienna. The Group consisted of individuals, participating in their personal capacity, selected by the Director General to represent a broad spectrum of experience and nationalities, all of whom had been associated with the nuclear field in one capacity or another for many years. A list of the Expert Group members is set out in Annex 2 to this report. The Expert Group was assisted in its efforts by Messrs. Lawrence Scheinman and Wilhelm Gmelin as advisors, as well as a number of current and former staff members of the IAEA and external experts, who are also identified in Annex 2.

10. Although the Expert Group agreed to forward its report to the Director General, it is important to note that the report does not necessarily reflect agreement by all of the experts on the desirability or feasibility of MNAs, or on all of the options. Nor does it reflect a consensus assessment of their respective value. It is intended only to present possible options for MNAs and to reflect on the range of factors that could influence the consideration of those options.

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[2] IAEA Statute, Article II, IAEA, Vienna (1989).

Preliminary Considerations

11. At the outset of its deliberations, the members of the Expert Group expressed the collective expectation that nuclear energy will continue to play a significant role in supplying the world with energy, and that given the dual nature of nuclear technology, reliable and effective existing and new multilateral arrangements are necessary to prevent the further proliferation of nuclear weapons. The Group felt therefore that in fulfilling its mandate, its purpose was to assess MNAs in the framework of a two-pronged objective: strengthening the international nuclear non-proliferation regime while securing the peaceful uses of nuclear energy.

12. Beyond long-standing issues such as universality, the nuclear non-proliferation debate has been driven by new challenges to the existing non-proliferation regime, inter alia: the discovery of undeclared nuclear material and activities in certain NPT non-nuclear-weapon States (NNWS); the existence of clandestine supply networks for the acquisition of nuclear technology; and the risk of "breakout" from the NPT by States within the regime. Several proposals have been put forward with a view to ensuring that the nuclear non-proliferation regime maintains its authority, effectiveness and credibility in the face of these very real challenges. One of these proposals calls for the denial of sensitive technology to NNWS not already possessing such facilities. This has been seen by many as inconsistent with the letter and spirit of Article IV of the NPT. There is a consistent opposition by many NNWS to accept additional restrictions on their development of peaceful nuclear technology without equivalent progress on disarmament. Other proposals have focused on the strengthening and effective application of the IAEA's safeguards system. Another proposal is for multilateral approaches to the operation of those parts of the nuclear fuel cycle considered to be of the greatest sensitivity from the point of view of proliferation risk. It is this latter proposal that the Expert Group was asked to consider.

13. First, a word about terminology. In the view of the Expert Group, a distinction should be made between the words "*multilateral*" (the broadest and most flexible term, referring simply to the participation of more than two actors), "*multinational*" (implying several actors from different States), "*regional*" (several actors from neighbouring States) and "*international*" (actors from different States and/or international organisations, such as the IAEA). The Group has been asked to address the broadest possible options, and has thus explored all multilateral options, whether multinational, regional or international.

14. In addition, it was necessary to define what the Expert Group considered to be those parts of the nuclear fuel cycle of the greatest sensitivity from the point of view of proliferation risk. As can be seen from the structure of the report, the Group decided to address *uranium enrichment*, *reprocessing* and *spent fuel disposal and storage*.

15. In fulfillment of its mandate, the Expert Group decided to address three inter-related elements:

a. **Current and historical experiences** with MNAs: *What has already been tried in this regard? How successfully?* Chapters 2 and 3 provide the background on the mandate of the Expert Group and on the political and historical contexts of the issue of MNAs. The Group benefited from accumulated experience with existing successful multilateral solutions, particularly in Europe. The Group took advantage of work previously carried out under the auspices of the IAEA, as well as in other fora. In addition, there is a wealth of practical experience with multilateral approaches not only in the nuclear field, but in other fields of technology, such as aviation and space, to name only two.

b. **Factors, options, and incentives and disincentives**: Chapters 4 and 5 address, collectively and individually: policy, legal, security, economic and technological factors relevant to MNAs in connection with the four sectors of the nuclear fuel cycle identified above (paragraph 14). Chapter 4 discusses cross-cutting factors. Chapter 5 reflects the Experts Group's analysis of the factors specific to, and possible options associated with, each of those sectors and identifies the corresponding benefits and disadvantages (pros and cons) of the various options.

c. **Over-arching considerations and recommendations**: Chapter 6 addresses overarching issues, primarily of a broad political nature, that may affect perceptions as to the feasibility and desirability of MNAs. Chapter 7 reflects on the conclusions of the Expert Group and offers recommendations on possible ways forward with MNAs.

16. Drawing on historical experiences with MNAs, borrowing materials and concepts from past and current examples, and aware of the current political context, the Group hopes to have shed some light on multilateral cooperation and have identified a number of possible options and approaches that could serve the nuclear community in the years to come in the search for a strong nuclear fuel cycle.

Chapter 2 - Current Political Context

17. The global nuclear non-proliferation regime has been successful in limiting, albeit not entirely preventing, the further spread of nuclear weapons. The vast majority of States have legally pledged to forego the manufacture and acquisition of nuclear weapons and have abided by that commitment. Nevertheless, the past few years have been a tumultuous and difficult period, during which new challenges to the international non-proliferation system have surfaced.

18. The decades long nuclear non-proliferation effort is under threat: from regional arms races; from fundamental breaches of, or non-compliance with, safeguards agreements, without fully corrective action; from the incomplete manner in which export controls required by the NPT have been applied; from burgeoning and alarmingly well-organised nuclear supply networks; and from the increasing risk of acquisition of nuclear or other radioactive materials by terrorist and other non-State entities.

19. An emerging new concern is that of possible "breakout" from the NPT, as exemplified by the actions of the DPRK. The postulated scenario is that an NNWS acquires sensitive elements of a nuclear fuel cycle – uranium enrichment and/or plutonium separation – ostensibly for peaceful purposes as provided for under the NPT, but then withdraws from the Treaty giving the required three months notice and subsequently is free to utilize its nuclear capability for developing nuclear weapons. The closest instance of such an unwelcome development is the case of the Democratic People's Republic of Korea (DPRK) – which was determined to be in "further non-compliance" with its NPT safeguards agreement by the IAEA Board of Governors and then announced its withdrawal from the NPT. To date, this announcement has not incurred any action by the UN Security Council. Recently the DPRK has again claimed that it possesses nuclear weapons. While most of the DPRK's nuclear material and infrastructure was acquired prior to its accession to the NPT and entry into force of its NPT safeguards agreement, the international community finds the withdrawal unacceptable, and in breach of good faith in treaty law, that the DPRK has announced its departure from the NPT, remains in non-compliance with its NPT safeguards agreement, may have been involved in the clandestine nuclear supply networks and may be developing nuclear weapons. Reversal of this "DPRK nuclear crisis" and the prevention of any similar scenario remains a high priority for the international community.

20. Furthermore, many NNWS have long voiced concerns that the five NPT nuclear-weapon States (NWS) are not making sufficient progress in fulfilling their nuclear disarmament commitments under the NPT. While some progress has been made, shortfalls continue to draw sharp criticism from many NNWS, which cite them as a major disincentive to support further non-proliferation initiatives that impact upon the NNWS. The same applies to the continuing delay in the initiation of negotiations on a verifiable Fissile Material (Cut-off) Treaty (FM(C)T), and in the entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) – two measures that have been on the global nuclear non-proliferation and disarmament agenda for decades.

21. As stated by the IAEA Director General, in his speech at the Carnegie Conference in June 2004: "any new adjustment to the [nuclear non-proliferation and disarmament] regime must include" the non-NPT States.

22. Despite these challenges, there have been positive developments. Membership in the NPT now stands at 189 countries (including the DPRK). Supplier countries now seek to exercise greater vigilance in their export controls. Meanwhile, in response to the IAEA's uncovering of Iraq's undeclared nuclear-weapon programme in the early 1990's, the international community moved decisively to strengthen the IAEA's safeguards system, and to adopt the Model Additional Protocol (INFCIRC/540 (Corr.)) as a standard feature of the IAEA safeguards system. The Model Additional Protocol provides the Agency more information on nuclear activities and future plans, and with more verification tools including, inter alia, extensive physical access to all sites and places where nuclear material is located as well to nuclear activities not involving nuclear material in order to provide credible assurance of the absence of undeclared nuclear material and activities. The IAEA uses more advanced equipment for the verification of nuclear material, including unattended data transmission and is more sophisticated, alert and responsive in assessing State's nuclear activities. These new arrangements are already having a positive impact on the level of confidence in IAEA safeguards, and have led to proposals to make the Additional Protocol a norm under the NPT. Efforts to create additional treaty-based nuclear-weapon-free zones, incorporating IAEA safeguards for verification, are another positive signal.

23. International collaboration between the Russian Federation and the United States in the "*Megatons to Megawatts*" programme[3] has resulted in large quantities of high enriched uranium (HEU) released from dismantled Russian warheads being down-blended into low-enriched uranium (LEU) for civilian use. In addition, a significant portion of US-supplied HEU research reactor fuel has now been recovered under US take-back programmes. Similar actions are now also being taken with respect to Russian-supplied HEU fuel. United Nations Security Council resolution 1540 (2004) was adopted to prevent access to materials for nuclear and other weapons of mass destruction by terrorist groups and non-State actors, and it has made it mandatory for all States to implement appropriate national control system to secure such materials.

24. A different significant factor is that the civilian nuclear industry appears to be poised for worldwide expansion. Rapidly growing global demand for electricity, the uncertainty of supply and price of natural gas, soaring prices for oil, concerns about air pollution and the immense challenge of lowering greenhouse gas emissions, are all driving a fresh look at nuclear power. As the technical and organisational foundations of nuclear safety improve, there is increasing confidence in the safety of nuclear power plants. In light of existing, new and reawakened interest in many regions of the world, the prospect of new nuclear power stations on a large scale is real. A greater number of States will consider developing their own fuel cycle facilities and nuclear know-how, and will seek assurances of supply in materials, services and technologies.

25. States have sought such capabilities for a variety of reasons: to carry out entirely legitimate, peaceful programmes; to remove doubts about the reliability of fuel supply from foreign sources; to conserve nuclear fuel resources through reprocessing; to achieve the prestige of possessing advanced, sophisticated fuel cycle facilities; to benefit from industrial, technological and scientific spin-offs; to sell enrichment or reprocessing services on the international market; and because the State considers it to be economically justifiable. A few States have also sought such technologies – research reactors and fuel fabrication – for the purpose of developing nuclear weapons or securing the option to do so.

26. Historically, the States that wanted nuclear weapons have gone straight for them[4], creating dedicated weapons programmes. Nonetheless, without adequate controls, the civil nuclear fuel cycle has been used to support to a weapons programme in a few instances. Despite strengthened IAEA safeguards, clearly it is not desirable from a non-proliferation point of view that every State with nuclear research and/or nuclear energy programmes should necessarily establish its own enrichment and reprocessing facilities (even if such activities would be within the boundaries of Article IV of the NPT)[5].

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[3] The *Megatons to Megawatts* programme is a commercially financed government-industry partnership in which bomb-grade uranium from dismantled Russian nuclear warheads is being diluted and recycled into fuel used mainly by American power plants. Begun in 1994, the programme is being implemented by USEC, as executive agent for the U.S. government, and TENEX, acting for the Russian government. By its completion in 2013, the programme is expected to have recycled 500 tonnes of nuclear weapons material (the equivalent of 20,000 warheads) into fuel equivalent to 14% (5.5 million SWU) of the current global enrichment demand.

[4] NEFF, T.L. "The Nuclear Fuel Cycle and the Bush Non-Proliferation Initiative", World Nuclear Fuel Cycle 2004 (Proc. Int. Conf. Madrid 2004).

27. In the 1970s, the search for alternative approaches to complete national fuel cycles, fuelled by growing concerns regarding prospective "plutonium economies" and the 1974 nuclear explosion by India, led in turn to a number of international initiatives, which are the central elements of the historical perspective provided in the following chapter.

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[5] Recent proposals highlighting the need to address the potential proliferation risk of the civilian nuclear fuel cycle include, inter alia: 11 February 2004 speech at the National Defense University by US President George W. Bush; written ministerial statement by UK Foreign Secretary Jack Straw, 25 February 2004; the G-8 statement at their June 2004 summit; further proposals by the IAEA Director General Mohamed ElBaradei; the report of the UN Secretary General's High Level Panel on Threats, Challenges and Change, December 2004.

Chapter 3 - Historical Perspective

28. At the very outset of the nuclear age, it was recognised that the atom had both peaceful and military applications. The internationalisation of nuclear technology has its origins in the 1946 Baruch Plan, in which the United States proposed that States should transfer ownership and control over civil nuclear activities and materials to an international atomic development agency. Nearly a decade later, in 1953, US President Eisenhower unveiled his Atoms for Peace plan. This, in turn, laid the ground not only for the establishment of the IAEA, but also for widespread dissemination of civilian nuclear knowledge and technology. All of this heightened concerns that, with unlimited access to the technologies of nuclear fission and the fuel cycle, someone, somewhere would light a fuse igniting further nuclear weapons proliferation.

29. The NPT was intended to halt such proliferation by limiting the NWS to those States that had manufactured and detonated a nuclear explosive device prior to 1 January 1967, and committed all parties, under Article VI of the Treaty, "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament") and, in respect of the NNWS, by requiring that their nuclear activities be for peaceful purposes only and subject to the safeguards system of the IAEA. As has been noted, the NPT has been remarkably successful in limiting the spread of nuclear weapons, in spite of challenges to the regime. Some of these challenges are not new, having loomed particularly large in the 1970s, and led to considerable diplomatic activity and related initiatives – including proposals for multilateral arrangements.

30. One of the most significant events of that time was the "peaceful nuclear explosion" carried out by India in May 1974. Another was the oil crisis of the mid-to-late 1970s, which gave rise both to plans for, and expectations of, an exponential rise in the number of nuclear facilities in order to meet global energy demands. Essentially, the world was facing the prospect of large scale equipment and material transfers, all bearing on the most sensitive aspects of the nuclear fuel cycle, combined with the dissemination of knowledge of nuclear fission and its various uses, as well as associated training. Particular anxiety was expressed at the time about the prospective escalation in the number of reprocessing facilities (the "plutonium economy") and the consequent increased risk of horizontal proliferation and sub-national theft

31. The resulting concern about managing this process while ensuring respect for non-proliferation norms, led to a number of proposals for regional, multilateral and international arrangements. The proposals were intended, on the one hand, to reinforce the NPT objective of discouraging horizontal proliferation and, on the other, not to undermine the right of all States to exploit nuclear energy for peaceful purposes. The IAEA General Conference briefly looked at the issue in 1974, with specific reference to the possibility of establishing internationally approved facilities to handle all spent fuel produced in power reactors. The Final Declaration of the 1975 NPT Review Conference also included a finding that "*regional or multinational nuclear fuel cycle centres may be* *an advantageous way to satisfy, safely and economically, the needs of many States, while, at the same time facilitating protection and the application of safeguards."*

32. Among the more visible efforts to promote MNAs in the 1970s and 1980s were: the IAEA study on Regional Nuclear Fuel Cycle Centres (1975-77); the International Nuclear Fuel Cycle Evaluation programme (1977-80); the Expert Group on International Plutonium Storage (1978-82); and the IAEA Committee on Assurances of Supply (1980–1987). In a general sense, these studies concluded that most of the proposed arrangements were technically feasible and that, based on the projections of energy demand, economies of scale rendered them economically attractive.

a. The Regional Nuclear Fuel Cycle Centres (RFCC) study (1975-77), the first of the 1970s initiatives, looked into the possibility of pooling States' resources into regional fuel cycle centres[6]. The focus, as was the case for most of the initiatives at that time, was on the back end of the cycle, specifically reprocessing and plutonium containment. The conclusion of the RFCC study, in brief, was that the proposal was technically valid, but that problems could arise concerning technology transfer, physical protection and the possible risk of host country obstruction.

b. The International Nuclear Fuel Cycle Evaluation (INFCE) study (1977-80), which was prompted by concerns about the widespread use of plutonium, also looked into the possibility of regional fuel cycle facilities, as well as other models for multilateral plutonium storage[7]. Again, the technical conclusions were generally positive, but were overtaken by other aspects of the INCFE findings, which tended to focus on whether a technological fix might exist for reducing proliferation risks. At the end of its three years, the work of INFCE arrived at the general conclusion that no single fuel cycle approach was inherently superior to another from the standpoint of non-proliferation and that, while options to increase resistance might be worth pursuing, technical measures alone would not compensate for weaknesses of the international nuclear non-proliferation regime.

c. The Expert Group on International Plutonium Storage (IPS) (1978-82) explored the mandate of the IAEA under Article XII.A.5 of its Statute, which contemplates IAEA-supervised management, storage and release of plutonium[8]. A separate Expert Group on Spent Fuel Storage was also convened. No consensus on either of these initiatives proved possible.

d. The studies undertaken by the IAEA Committee on Assurances of Supply (CAS)[9] (1980-87), which also discussed the concept of multilateral approaches as a central part of its agenda, suffered a similar fate.

e. Another later effort to achieve concrete progress on multilateral approaches - the United Nations Conference for the Promotion of International Cooperation in the Peaceful Uses of Nuclear Energy (UNCPICPUNE) of 1987 – was no more successful. Essentially, UNCPICPUNE, which was seven years in gestation, could not generate specific conclusions, owing to a lack of political consensus on the matter.

33. All of these initiatives failed for a variety of political, technical and economic reasons, but mainly because parties could not agree on the non-proliferation commitments and conditions that would entitle States to participate in the multilateral activities. Moreover, differences of views prevailed between those countries and/or regions that did not plan to reprocess or recycle plutonium and those that favoured it (the latter group being concerned, in particular, about the availability of fuel supplies and the possibility of the interruption of supplies by suppliers). In addition, much of the momentum collapsed with the slowdown in new civil nuclear programmes in significant parts of the developed world, thereby *de facto* limiting the spread of reprocessing facilities and temporarily laying to rest fears of a global plutonium economy. As a consequence, efforts to establish multilateral mechanisms had wilted by the end of the 1980s.

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[6] REGIONAL FUEL CYCLE CENTRES, 1977 Report of the IAEA Study Project (vols. I & II), IAEA, Vienna (1977).

[7] INTERNATIONAL NUCLEAR FUEL CYCLE EVALUATION "INFCE Summary Volume", (INFCE/PC/2/9), IAEA, Vienna (1980).

[8] Expert Group on International Plutonium Storage – Report to the Director General, IAEA-IPS/EG/140(Rev.2), IAEA, Vienna (1982).

[9] Documents and Papers Issued for CAS (CAS/INF/4), IAEA, 1985.

34. There things remained until the 1997 International Symposium on the Nuclear Fuel Cycle and Reactors, which at the time received little public profile, but which, in retrospect, can be credited with expanding the focus on multilateral approaches from the back end of the cycle (reprocessing) to include the front end (enrichment). One of the most significant conclusions of this symposium was that the previous initiatives had failed because of the difference in priorities motivating governments as opposed to the nuclear industry: for the former, the priorities were political legitimacy and public support; for the latter, technical feasibility and commercial viability. As reflected in the results of the symposium, the great challenge ahead would be to reconcile these different priorities.

35. Then, through a series of IAEA sponsored meetings in 2001 and 2002, the focus on multilateralisation of the fuel cycle was broadened beyond reprocessing and enrichment to include repositories for spent fuel and nuclear waste. Once again, the deliberations suggested that, while political and institutional issues were the major obstacles to the establishment of such facilities, technical and economic considerations would favour them. The meetings led to the development of an Agency Technical Document (TECDOC) on developing multinational radioactive waste repositories[10].

36. Today these concepts have gained renewed salience and prompted the Director General's September 2003 proposal to reconsider such concepts. The nuclear non-proliferation regime faces some old challenges (national versus multinational operation of sensitive facilities; secure fuel supply; concerns over perceived limitations of the NPT); and, as discussed previously, it is confronted by dramatic and immediate new challenges. Some trends suggest that there might be a greater likelihood of success in the development of MNAs. Today, both States and international organisations have more experience with safeguards; with the commercial operation of sensitive facilities and nuclear fuel markets; with information monitoring and intelligence assessment; and with the identification of pathways to nuclear weapons. Given the challenges to the regime, they may also have greater motivation to look for solutions. The overall challenge to the Group, as noted in Para 15 above, is to use previous experience and current insights to define promising options for MNAs that would advance both the non-proliferation regime and the effective functioning of peaceful nuclear fuel cycles.

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[10] INTERNATIONAL ATOMIC ENERGY AGENCY, Developing multinational radioactive waste repositories: Infrastructural framework and scenarios of cooperation, IAEA-TECDOC-1413, IAEA, Vienna 2004

Chapter 4 - Cross-cutting factors

37. Consideration of multilateral approaches to the nuclear fuel cycle tends to involve certain common factors, whether dealing with enrichment, reprocessing storage or disposal. As foreseen in the Director General's mandate to the Expert Group, these cross-cutting factors extend across the spectrum of nuclear technology, economics, assurances of supply, legal and institutional arrangements, and non-proliferation and security issues. These cross-cutting factors are discussed in this chapter.

4.1 - Advances in nuclear technologies

38. This section deals with a major proliferation factor and its impact on safeguards and verification, namely the degree to which new technologies and other scientific developments interact with each other to lower the threshold of accessibility for sensitive nuclear technologies while permitting more effective and efficient verification by the IAEA.

39. Since the 1970s, nuclear technology has undergone significant developments, such as:

40. **Information technology** (IT): IT has changed dramatically since the 1970s, due to the introduction of faster, smaller, more versatile, low cost and more reliable computers and operating systems. For example, complex multi-group codes and hydrodynamic calculations that once took hours on the then-fastest super computers (Cray-1) may now be performed on a € 2000 personal computer in the same time or faster, especially when connected with other personal computers in a network.

41. However, the most significant IT development has been the appearance, spread and the usage of the Internet, where, apart from making information widely available and thereby fostering knowledge, a wealth of sensitive nuclear technology designs, methods and techniques can be retrieved worldwide with little difficulty (for example, early generations of production centrifuges for uranium enrichment, reprocessing flow sheets, including detailed descriptions of the radiochemistry involved).

42. **Sensor technology, process engineering and miniaturisation**: All kinds of sensors for physical parameters – such as optical (satellites), radiation, pressure and motion sensors – are now available at low cost. These processes have been both optimised and miniaturised and are now radiation-resistant and economical. Developments in this area facilitate the implementation of safeguards though the use of remote monitoring, installed systems and hand-held sensors.

43. **Material technology**: Examples are the use of non-metallic components in enrichment and reprocessing processes. Dual use materials have become ubiquitous in the nuclear realm.

44. **Chemistry**. Basic research has resulted in the development of new techniques for reprocessing, for example with pyrochemical processes with which large separation factors can be routinely achieved in small geometries. Analytical methods have been considerably improved, so that concentrations of smaller than one millionth of one millionth[11] are routinely determined. Such developments are particularly important for Agency verification.

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[11] Chemists claim that such low concentrations are equivalent to the concentration of a lump of sugar dissolved in a volume of water as large as the Baltic Sea.

45. Finally, the **combination** of all of these developments, has led to powerful synergies.[12] For nuclear facilities, the spin-offs of these technical advances are that nuclear safety has been further enhanced, processes streamlined and the economics improved. These advances have also contributed to the development of innovative nuclear systems, purported to be proliferation-resistant, safe and economical. Related work performed in the framework of the IAEA INPRO project and the multinational Generation IV projects thus have potential implications for non-proliferation, safety and economics of nuclear energy as a whole.

46. Technological developments have made concealment of non-peaceful uses at complex facilities technically less difficult. Conversely, Agency safeguards verification and other verification systems have benefited as well from most of these developments, in particular, in connection with material accountancy evaluation through information technology (IT), particle analysis, destructive and non-destructive measurements (chemistry) and surveillance (sensor technology and IT). In fact, real-time verification of most peaceful nuclear processes has now become a technical possibility and, indeed, a reality in cases where the IAEA has concluded that it is cost-effective and where governments have cooperated in their implementation.

47. An evaluation of the impact of these advances on a variety of aspects of the peaceful uses of nuclear energy, such as proliferation risks, safeguards, assurance of supply, energy planning security and economics, shows that:

a. Easier accessibility: proliferation risks have increased markedly in recent decades with the easier accessibility of sensitive nuclear technologies made available through clandestine supply networks that span the globe and by the dissemination of weapons design information.

b. Safeguards: technological advances have had a strong and positive influence, leading to increased safeguards effectiveness and efficiency. There is disagreement, however, as to whether this positive factor compensates fully the higher proliferation risks brought about by similar advances in technology, as noted above.

c. Assurance of supply and energy planning security: advanced technologies, with their promises of small-scale facilities and lower costs, encourage the pursuit of national facilities or regional MNAs may make them more attractive for achieving domestic or regional self-sufficiency in the fuel cycle. For smaller countries, such facilities make the possibility of national independence at a reasonable cost a more achievable goal.

d. Thus, in terms of economics, technology has made it possible to build smaller facilities, and this trend will likely continue; that is, for a given throughput and a given size, the costs have decreased. Nonetheless, economies of scale continue to apply; a multinational partnership at a higher throughput may provide even better economics than national facilities.

48. On the production side, enrichment to weapon-grade uranium using early generations of ultra-centrifuges seemingly has become less difficult, since documents on design, materials and process control of these early machines are more readily available. However, advanced designs to achieve a steady output at reasonable cost are still not available. Furthermore, the know-how and experience gained from some 20 years of development cannot be re-engineered or reverse engineered in only a few years. With regard to uranium conversion, to or from uranium oxides to UF_6, the know-how has become readily available.

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[12] These synergies resulted for example in the development and implementation of advanced automatic measurement stations for IAEA safeguards verifications, where motion sensors trigger non-destructive measurements and video films of objects moved through the space of interest and the automatic and encrypted transmission of these data to IAEA HQ, via the internet.

49. Safeguards verification of the peaceful use of enrichment plants and associated conversion processes has become very effective as a consequence of the advances in chemistry and sensor technology referred to above. Real time verification of an enrichment facility can be achieved at a pro rata cost lower than one thousandth of the cost of producing one "separative work unit" (SWU).

50. Large-scale reprocessing installations using wet chemistry are now coming under IAEA inspection. The IAEA has defined the verification approaches and criteria to be applied. Verification of modern reprocessing facilities with complex chemical processes requires a very complex network of advanced sensors. Such verification is therefore costly, with an impact on IAEA's financial and human resources. The safeguarding of advanced reprocessing techniques, such as those based on pyrochemical processes, will be a challenge. Simpler and cheaper verification might be achieved when integrated plants are constructed with no outright separation of U, Pu and minor actinides.

51. With respect to fuel cycle facilities at the back end of the fuel cycle (spent fuel and related facilities), there are no major verification problems, since technological advances allow for efficient IAEA safeguards using real time verification for MOX and spent fuel and related facilities. The widespread implementation of the Additional Protocol will further accelerate this development by allowing access to locations beyond the usual "strategic points".

4.2 - Economics

52. This section summarizes generic economic considerations relevant for all multinational nuclear fuel cycle facilities. Additional economic considerations specific to different technologies (enrichment, reprocessing, storage and disposal) are addressed in the appropriate sections of the next chapter.

53. History and logic suggest that the more profitable a proposal, the easier will it be to recruit partners for its implementation. Economies of scale exist for most facilities in the nuclear fuel cycle, and the likelihood that multinational facilities will be larger than national facilities raises the possibility that economies of scale will generate simultaneous non-proliferation and economic benefits. The double incentive should make it easier to establish a multinational facility. Furthermore, hosting an MNA brings many benefits, such as large capital investment and the creation of jobs in the host country.

54. Economies of scale and economic benefits are not sufficient conditions for a multinational facility. Even where they exist, it can be very difficult, for the reasons outlined below, to structure incentives that will be attractive to all necessary partners. Moreover, a country bent on proliferation may not necessarily be dissuaded, even by a very lucrative MNA alternative.

55. As in any other commercial undertaking, the economic attractiveness of an MNA will be vulnerable to economic upsets or major shifts, whether due to markets, politics, accidents, or natural disasters. If so, hedges and insurance arrangements may be needed to enhance its economic appeal in spite of such possibilities. An MNA's attractiveness must also not be overly dependent on the future development of nuclear power, whether in expansion or in contraction, globally or regionally.

56. Different parties sometimes have different motivations and different expectations of the future. A successful MNA must dovetail these differences in ways that attract the participants necessary to deliver the desired economic and non-proliferation benefits. The costs of start-up, operations, liabilities and needed accumulating funds (e.g. for eventual decommissioning) must be allocated efficiently and equitably in the eyes of the participants. Acceptable dispute resolution provisions must be included, and if universal, or very broad, participation is needed, compensation arrangements may be needed to assure that every party judges itself a net winner.

4.3 - Assurances of supply

57. Currently, the commercial market satisfies the demand for fuel services subject to government approval for exports. There is a diversity of commercial enrichment companies; enrichment capacity exceeds demand; and, based on current plans for the substitution of diffusion by centrifugation, capacity is likely to comfortably keep abreast of projected increases in demand in the medium term (e.g. until the end of the US/Russia agreement on HEU conversion to LEU). For other front end processes (such as conversion and fuel fabrication) the situation is similar. This equilibrium in the uranium market is likely to change only if the demand for nuclear power increases significantly, or in case of sudden disruption in supply.

58. However, there exists the risk that a State with uranium enrichment capacity may cut off supplies to other States to gain leverage for reasons that have nothing to do with non-proliferation concerns. Against that possibility, a country needing low enriched uranium for nuclear power plants may have an interest in alternative extra-market measures being in place to provide assurances of supply. Other than for the production of weapon-usable nuclear materials, possible motivations for building a domestic enrichment capability might include:

a. Reducing external dependence on foreign suppliers and achieving greater economic independence, e.g. when faced with a shortage of foreign currency or energy supplies,
b. Unfavourable experiences in the past and low confidence in existing suppliers,
c. National prestige and expected spin-offs for industrial and technological development; and
d. Possible technical advantage, allowing for lower production costs than existing facilities and for a commercial edge.

59. For any given country, none, some or all of these motivations might be relevant. Establishing a multinational arrangement may provide inducements for States to join the MNA and forgo their domestic capability. Nevertheless, an international external assurance of supply would address the first two motivations in this list, and further inducements (not necessarily nuclear) would address the third. A State that pursues a domestic capability may not necessarily be doing so to create the option of acquiring nuclear weapons but might be pursuing technological or market gains.

60. As recalled in the previous chapter, both INFCE and CAS extensively examined the issues surrounding assurance of supply, without coming to any agreed conclusions or agreed mechanisms to provide such assurance. For *customers*, the steps identified included supplier-customer risk-sharing arrangements, diversification of suppliers and customers, customised contracts, the early conclusion of commercial contracts, improved information exchange, and the maintenance of a sound market for spot transactions. For *governments*, they included the more uniform, consistent and predictable application of export and import controls; mechanisms to manage changes in non-proliferation policy that would minimise the risk of any resulting disagreements interfering with supplies; and the establishment of a common approach to non-proliferation (which could take the form of common practices, joint declarations, codes of conduct or other instruments) rather than individual prior consent rights.

61. In general, and in particular for MNAs, any prior consent rights should be based *primarily* on non-proliferation considerations, in particular compliance with safeguards agreements, in order to provide a credible assurance of supply. And the opinion of the IAEA should be decisive in this regard. Of course, other legitimate reasons could be invoked for prior consent rights, such as poor safety records, poor physical security and insolvency. Quite evidently from the evidence at hand, individual prior consent rights will not be readily given up by those holding them, unless the concerns are adequately covered by suitable MNA agreements.

62. INFCE discussed two possible multilateral mechanisms for supply emergencies, while emphasising the importance of smoothly functioning competitive markets as the best assurance of supply. The two back-up mechanisms were identified: a "safety net" network and an international fuel bank.

63. CAS followed up these INFCE discussions and produced periodic forecasts of uranium supply and demand. But CAS was unable to reach a consensus on both the "Principles for international nuclear energy cooperation and nuclear non-proliferation" and on "Emergency and back-up mechanisms", and went into formal abeyance. A key stumbling block was the inability to reach agreement on broad principles of international cooperation, and the rejection of any piecemeal agreement by many parties without nuclear power programmes.

Fuel Guarantees: Physical and Virtual Fuel Banks, and the IAEA as guarantor

64. Theoretically a **physical fuel bank** could store material in any of several post-enrichment forms. Inter alia, some key storage possibilities are: enriched UF_6 as a solid or gas, UO_2 powder, UO_2 pellets or finished fuel assemblies. Some important advantages and disadvantages of each are the following.

65. Uranium hexafluoride (UF_6) is the most flexible form of storage and the most desirable for users as it can be easily stored for long periods and transported without difficulty as and when needed. UF_6 is the least proliferation-resistant form of enriched uranium, the chemical form most suitable to boost reactor-grade UF_6 to weapons-grade.

66. UO_2 powder degrades more quickly than either UF_6 or pellets, making it a less suitable storage form for a fuel bank. But it is more proliferation resistant since a reduction and conversion process would be required prior to clandestine enrichment. A stockpile in a fuel bank containing a variety of enrichments could be considered to augment supply assurance.

67. UO_2 pellets are physically and chemically stable, a storage option more suitable for a fuel bank. However, the pellet design depends on the reactor type. This would be a disadvantage for a fuel bank meant to efficiently provide assurances of supply for a range of different reactors.

68. Storage of a variety of finished fuel assemblies is, in practice, incompatible with the way in which the current nuclear power plants operate since fuel assemblies are effectively tailor-made reflecting the unique operating design and history of a reactor core for which they are intended as well as continuing improvements in fabrication technology, burn-up rates and fuel economics.

69. A "safety net" network, or **virtual fuel bank**, would be based on commitments by countries and/or firms to make their enriched material available as agreed, either directly or through the IAEA. Commitments from suppliers could be made to the Agency, and the State receiving the enriched material would receive it from the Agency. There are precedents for such an Agency role: in the 1960s, in several cases, legal ownership of research reactor fuel was transferred from the US to the IAEA and subsequently to the recipient country, without physical control of the fuel by the Agency. The Agency could maintain 'assurance of supply' arrangements with a number of suppliers and maintain access to funds to allow prompt payment to suppliers before collecting payment from a recipient country.

70. A virtual fuel bank would be closely associated with the existing industrial partners, and would not disturb the market. However, the fuel bank's material would be located in precisely those countries that are trusted least by those seeking assurances of supply. A virtual bank would therefore need a real footing in several trusted locations. Also needed: strong oversight and review through international management and boards, on which supplier States would be represented, and effective and modern Agency verification to keep close track of all materials.

71. Prima facie evidence suggests that if a prospective fuel bank could improve efficiency, and therefore profits, the industry would have already created it. Economically speaking, a multilateral fuel bank would be more about sharing costs than about profits.

72. Recently, the "United Nations High Level Panel" has formulated a recommendation[13] on the involvement of the IAEA. In its report, the Panel urged "*that negotiations be engaged without delay and carried forward to an early conclusion on an arrangement, based on the existing provisions of articles III and IX of the IAEA statute, which would enable IAEA to act as a guarantor for the supply of fissile material to civilian nuclear users. Such an arrangement would need to put the Agency in a position to meet, through suppliers it authorized, demands for nuclear fuel supplies of low enriched uranium and for the reprocessing of spent fuel at market rates and to provide a guarantee of uninterrupted supply of these services, as long as there was no breach of safeguard or inspection procedures at the facilities in question*".

73. Depending on the specific agreement negotiated, the term "guarantor" could cover a variety of roles to be played by the IAEA: judging whether the conditions for supply are being met, including assessing the non-proliferation status of the recipient; activation of any decision to supply, including requesting governments/companies to fulfil supply obligations; acting as a broker between supplier and recipient; and overall management of the arrangement. In all such "guarantor" functions, the Agency will need to rely on the cooperation of other actors, i.e. governments and companies.

74. However, the IAEA need not be involved in a multilateral fuel bank, although it would provide a stronger assurance if it were. A fuel bank could instead be nothing more than an agreement between suppliers, with or without government backing. Both alternatives are examined in more detail in the next chapter.

75. Concerns about assurances of supply have existed since the 1960s and, even in 2005, is a central element of national nuclear policies. The secure availability of nuclear energy rests on assurances of supply of nuclear material, equipment, services and support for those having nuclear plants. Domestic solutions, which are the privilege of a few States, are not available to others. In an age of growing interdependence and globalisation, the drive for self-sufficiency is diminishing as an element of national economic policies. In this perspective, MNAs may represent an effective alternative to national solutions, depending upon conditions of the assurances of supply of fuel and/or services that are credible and viewed by the potential clients as dependable, reliable and economical.

76. The fundamental conditions that potential MNA partners may demand are worthwhile restating:

a. Diversity of suppliers participating in the MNA;

b. The willingness of a sufficient number of suppliers to grant to the MNA generic consent for the transfer of the respective goods and services assuming of course that basic premises with be fulfilled (non-proliferation credentials, physical security, export controls and safety records);

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[13] Report of the Secretary General's High level Panel on Threats, Challenges and Change - A more secure world: Our shared responsibility, United Nations, New York (2004).

c. The availability from such suppliers of significant amounts of fissile material free of "national flags" and free of prior consent rights from other parties;

d. Sufficient reserve capacity of the respective fuel and services to cover supply emergencies, in a setup equivalent to the mandatory national oil reserves held by Organization for Economic Cooperation and Development (OECD) members under the auspices of the International Energy Program of the International Energy Agency;

e. A credible, timely, non-discriminatory and reliable decision-making mechanism for the release of replacement supply;

f. A pricing mechanism for the provision of substitute fuel and services in case of emergency that is deemed fair and that leads to prices not significantly higher than those set by the market; and

g. A neutral and fair process for determining whether a recipient that has lost its original supplier is in good standing with its non-proliferation commitments.

4.4 - Legal and Institutional

77. The establishment and operation of an MNA needs to be founded on an appropriate legal base. Such a facility could have as its legal basis:

a. an international agreement alone (as exemplified by Eurochemic);
b. national legislation (as exemplified by EURODIF);
c. any combination of a and b (as exemplified by Urenco).

78. In practical terms, there is little difference between a legal basis consisting of an international agreement alone and one consisting of an international agreement and national legislation (although the difference between the two will vary depending on the extent to which the requirements of the agreement are expressed in general or specific terms: the more general the terms of the agreement, the greater the difference). This is so because, normally, national legislation is needed to implement the terms of an international agreement. Two exceptions to this general rule are: for a State in which existing legislation is sufficient to enable the implementation of the treaty; for a State in which an international agreement automatically becomes part of national law upon its entry into force for that State. However, even in these two cases, regulations (which are a form of legislation) may be needed for full and effective implementation.

79. With respect to the second possible legal basis, that is, national legislation alone, a State could, of course, enact legislation for the establishment and operation of an MNA. However, while a State has jurisdiction to require that the legislation be observed by any person or entity making use of the services provided by the facility, that State has no jurisdiction to enforce the observance of such requirements outside its territory (without the consent of the State in whose territory the person or entity is located, or unless the person or entity has assets against which legal action can be taken in the territory of the legislating State). Further, in the absence of a binding international agreement, a State would be free to repeal or change such legislation.

80. If an international agreement were to form the, or part of the, legal basis, for an MNA, the following issues related to form and procedure would need to be addressed:

a. whether all States would be entitled to become parties to the agreement (i.e. a universal agreement) or only those States in a given region (or, for that matter, whether it could be bilateral); and in that context, whether regional agreements could be concluded and brought into force more quickly than a universal agreement;

b. how the agreement would enter into force: if the agreement were to be multilateral, whether it should enter into force upon adherence to it by the host State and one or more other State(s);

c. whether the agreement should refer only to existing facilities of a stated technology (e.g. all existing enrichment facilities in the States party to the MNA), or should refer only to future such facilities, or should refer to other facilities of the fuel cycle;

d. whether it would be feasible to have an approach based on an agreement between the States in which the relevant facilities are located, together with separate agreements between that group of States and each State in which persons or entities within the latter's territory are to receive the services of the facility or facilities.

81. The agreement(s) or national legislation would also have to addres among others, the following substantive issues:

a. what entities may participate in or benefit from the MNA (e.g. governments; governmental entities; private entities);

b. the conditions for participation in the MNA, may include:

   i) the application of appropriate IAEA safeguards pursuant to an INFCIRC/66-type agreement or an INFCIRC/153-type agreement, and an additional protocol based on INFCIRC/540 (Corr.)[14], in the territory of all recipients of the output (e.g. services, material) of the facility. Accepting INFCIRC/66-type safeguards as a sufficient condition of supply, however, would imply a fundamental change in the policies of all NPT States Parties involved in the respective MNA;
   ii) the application of appropriate safety and physical protection measures in the territory of all recipients of the output of the facility;
   iii) an undertaking by each State to prohibit within its territory activity "parallel" to that of the facility (e.g. any other enrichment activities); and, if agreed by a State or group of States, restricting research and development on such technology to the MNA entity;

c. the conditions upon withdrawal from the agreement for legitimate reasons must be agreed upon;

d. the sanctions to be applied with respect to any breach of sub-paragraphs (b) and (c) above;

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[14] INFCIRC/66-type agreements normally apply to particular supplied nuclear facilities, nuclear material, equipment and/or non-nuclear material. They can also apply to transferred technological information. The duration of such agreements is related to the period of actual use of the safeguarded items. The agreements also contain provisions to the effect that, notwithstanding termination of the agreement, safeguards continue to apply to supplied nuclear material and special fissionable material produced, processed or used in or in connection with supplied items until the IAEA has terminated safeguards on such material. Equivalent provisions apply with respect to the continuity of safeguards on supplied items. In cases where a State has in force an INFCIRC/66-type agreement before becoming a party to the NPT (and concluding an INFCIRC/153-type agreement), the INFCIRC/66-type agreement remains in force but provision is made for the application of safeguards under the INFCIRC/66-type agreement to be suspended while the INFCIRC/153-type agreement remains in force. If a State has concluded only an INFCIRC/153-type agreement and a supplier State required that an INFCIRC/66-type agreement also be concluded, there would be no legal impediment. However, whether the IAEA would conclude an INFCIRC/66-type agreement under such circumstances is a matter for decision by the IAEA's Board of Governors.

e. how joint decisions are to be taken with respect to the supply of material or services, and agreed circumstances justifying a denial of supply (e.g. for reasons unrelated to non-proliferation, such as failure to fulfil commercial conditions);

f. how disputes (commercial or otherwise) are to be settled, including issues of forum and jurisdiction);

g. whether the MNA should be treated as an independent international legal entity, and, if so, the nature and extent of any privileges and immunities that are to be accorded to it in the host State and in other participating States;

h. how and by whom decisions relating to the operation of the MNA are to be taken;

i. how and by whom the activities of the MNA are to be financed; and

j. what provisions should be made in case of insolvency of the MNA.

82. While many, if not most, of the above substantive issues may also be addressed in commercial contracts, these may not be sufficient since they would be binding only on the commercial parties thereto.

83. With the above in mind, and based on the premise that, to be attractive for further consideration, an MNA should be designed to lessen proliferation, security and safety concerns while providing assurances of supply of nuclear fuel in return for restraints in the use of sensitive technology, the following three categories of options for multilateral approaches are considered and assessed in the following chapter:

(a) Options involving assurances of services not involving ownership of facilities

i: Additional assurances of supply by suppliers: These assurances could take different forms, such as longer-term contracts or contracts with more favourable incentives. This might require all supplier-States agreeing to amend any national legislation and international commitments which impose prior consent conditions.

ii: International consortium of governments: This could take the form of an actual or virtual fuel bank to which governments would ensure the availability of material. Alternatively, supplier governments could physically hold the material, subject to an agreement on how it is to be distributed.

iii: IAEA-related arrangements: The IAEA could physically hold title and distribute the material. Alternatively, the IAEA could conclude an agreement with a State or States to provide the material or services on instruction from the IAEA. Countries most concerned with assurances of supply would likely prefer a role by the IAEA. For the Agency to play this role, suppliers would need to relinquish all prior consent rights to material provided to or by the Agency; for some, this might be a difficult and complicated decision. In addition, the IAEA might decline to provide material in certain circumstances (such as non-compliance in safeguards, poor nuclear safety records, poor physical security or insolvency).

(b) Options involving the conversion of national facilities to multinational facilities

This would entail the conversion of an existing national facility to one subject to international ownership and management. It could be based on an arrangement in which all partners share the technology or one in which access to the technology is limited to the technology holders.

(c) Options involving the construction of new facilities

i: The Urenco model: The original model involved the sharing of technology with all partners involved in the construction of a new facility. More recently, the model has been extended to allow construction of a facility in a third country, without providing this country access to sensitive technology.

ii: The EURODIF model: Although the partner(s) would all have a financial share in the ownership and production of the facility, the technology holder(s) would not give the other partner(s) access to the technology nor permit them to participate in the operation of the facility.

4.5 - Non-proliferation and security factors

84. Since nuclear non-proliferation concerns are the driving force behind the present interest in devising multilateral approaches, it is necessary to ensure that any models for such approaches strengthen, not weaken, the non-proliferation regime. The transfer of sensitive technologies should be kept to a minimum and subject to stringent control. Related issues to be resolved from a non-proliferation and security perspective might include: siting of the multilateral facilities or operations; security of materials, facilities and transport; handling and storage of wastes; take-back of spent nuclear fuel; timely supply of fresh fuel and timely removal of spent fuel; and common legally binding non-proliferation undertakings.

85. As an alternative to multilateral approaches to prevent additional states from developing enrichment and/or reprocessing capabilities, other approaches have been suggested. One proposes that nuclear facilities should be constructed in those States that already possess other such facilities. This idea has led to debate over discriminatory regimes. Some academic literature has suggested that Article IV of the NPT could be amended. However, such as approach is widely considered to be unacceptable. Others argue that economics have meant that there is no need for enrichment and reprocessing MNAs. However, some believe that political assurances will also be needed.

Safeguards implementation

86. The concerns evoked by clandestine supply networks, the availability of and increasing access to nuclear technology, and the possibility that some countries may be tempted to use such technology for non-peaceful purposes cannot be ignored, particularly given past evidence that a few countries have either been in fundamental breach of, or have not complied with, their NPT safeguards obligations. Hence, the importance of the IAEA's strengthened safeguards system and of the Additional Protocol. There are primarily two risks, among others, addressed by IAEA safeguards: diversion of fissionable materials from declared facilities and construction of undeclared fuel cycle facilities built with technology transferred from the declared programme. In the latter case, the Additional Protocol helps to provide credible assurance regarding the absence of undeclared nuclear material and activities.

87. With respect to MNAs, safeguards implementation by the IAEA should take into account the special positive nature of a multinational nuclear facility. Participants, whether private or governmental, would be committed to transparency and openness through the continuous presence of a multinational staff. Flows of materials would be mostly between partners to the MNA. The MNA agreement could even be stronger in this respect. This additional layer of international oversight would be recognised by the IAEA, possibly allowing thereby a reduction of the safeguards verification effort.

88. This situation was anticipated by the drafters of the Model Safeguards Agreement agreed by the Board of Governors in 1971, a model that has been adopted for almost all safeguards agreements concluded since then. Paragraph 81 of the model safeguards agreement (INFCIRC/153) lists criteria to be used by the IAEA for determining the actual number, intensity, duration, timing and mode of routine inspections of any facility. Its paragraph (d) covers the following criterion: "*International interdependence, in particular, the extent to which nuclear material is received from or sent to other States for use or processing; any verification activity by the Agency in connection therewith; and the extent to which a State's nuclear activities are interrelated with those of other States…*".

89. In its report to the Director General in May 2004, the Standing Advisory Group on Safeguards Implementation (SAGSI) referred to Para. 81 of INFCIRC/153 and noted that a large number of facilities receive nuclear materials from, and send nuclear materials to, other States, and also that many facilities employ multinational staff whose activities are interrelated with those of other States. SAGSI confirmed that the IAEA should give appropriate recognition to international interdependence under the so-called "State level approach", an approach that would include consideration of State-specific factors such as the level of cooperation with the IAEA on safeguards implementation in the State, including consideration of openness and transparency; and the presence of a supportive and effective State System of Accounting for and Control (SSAC) of nuclear material. This context is relevant for MNA joint facilities.

Security and physical protection

90. Besides non-proliferation and safeguards factors per se, the physical protection of nuclear materials and related facilities has always been a matter of great importance. This importance has grown, due to the apparent increase in non-State actor interest in acquiring these materials. Nevertheless, no international treaty mandates that States possessing nuclear material to enforce physical protection and security measures. The NPT requires safeguards on nuclear material in NNWS Parties and that necessitates the establishment of a State System of Accounting and Control (SSAC), but physical protection is not an attendant requirement. In practice, SSAC's controls, Agency inspections and the Agency's review of national accounting help to some extent to provide physical security of the nuclear material under safeguards. However, Agency inspectors are not required explicitly to verify physical protection. When the IAEA system of safeguards for NNWS was established in 1971-1972, physical protection standards were only "recommended", and no agreement was possible among the States to make these standards mandatory.

91. The agreed and recommended standards were published in 1975 as INFCIRC/225, and have been since then regularly upgraded under IAEA auspices. The latest INFCIRC/225 document recommends that each State establish and periodically re-evaluate "design basis threats" for its facilities, as well as conduct exercises to test whether guards, sensors and other protection measures are adequate. The document includes detailed provisions on protecting nuclear power reactors as well as stored nuclear materials from sabotage.

92. The 1980 Convention on the Physical Protection of Nuclear Material (CPPNM) required physical protection standards but these apply only to nuclear materials for peaceful purposes that are in international transit or in temporary storage as part of international transport. Thus, the CPPNM applies only to civilian nuclear material and contains no verification provisions. The result is that there is a wide variation in physical protection standards from State to State. A process is underway to strengthen the CPPNM to include domestic use, storage and transport of civilian nuclear materials and the protection of nuclear facilities against sabotage. The proposed amendments do not cover nuclear material in military use or related military facilities.

93. From the security perspective, all multilateral nuclear fuel cycle approaches will face the requirement of being integrated within the existing international nuclear non-proliferation and security arrangements in order to elicit the confidence of participating and other States. The challenge will be to ensure that a multilateral nuclear arrangement can be established with high standards of physical security and of MPC&A (material protection, control and accounting). However, MNAs may provide benefits in this context by encouraging peer group reviews of security issues.

Chapter 5 - Multilateral options for technologies

94. As noted in the Foreword, this report will follow a pattern as to the task at hand. The previous chapter dealt with the broad, ***cross-cutting factors*** relevant to multilateral nuclear arrangements and independent of any particular step of the fuel cycle. This chapter will consider the various steps (enrichment, reprocessing, spent fuel disposal and storage), first to review their ***specific factors*** and then to tackle the main task of the mandate, namely to define the ***specific options*** associated with one particular technology of the fuel cycle.

95. Whether for uranium enrichment, spent fuel reprocessing, or spent fuel disposal and storage, the search for MNA ***options*** revealed a logical way to catalogue, analyse and assess them. In essence, an MNA can span the whole field between existing market mechanisms and a complete co-ownership of fuel cycle facilities. As a result, the following pattern has been adopted:

Type I: Assurances of services not involving ownership of facilities:

a) Suppliers provide additional assurances of supply
b) International consortium of governments
c) IAEA-related arrangements

Type II: Conversion of existing national facilities to multinational ones

Type III: Construction of new joint facilities

96. Once a pattern has been chosen to catalogue and analyse the various MNA options, a method of assessment remains to be selected. The Group has opted to do so by simply reviewing and listing the **pros** and **cons** associated with each option. Pros and cons are defined relative to a national facility under current safeguards. The next step, which is the formulation of criteria allowing some sort of ranking (best, average, poor) according to stated factors such as non-proliferation, economics or assurance of supply, was not systematically attempted in view of the large number of parameters to be considered, including the nature of the fuel cycle and the relative importance of nuclear power to different countries.

97. In articulating the pros and cons, however, it became clear that what might be considered a "pro" in the context of one factor, such as non-proliferation, might be perceived as a "con" when considered in the context of another factor, such as assurances of supply. As a consequence, it was decided to make a short-hand reference, in the tables of pros and cons, using the "labels" A to G, to a number of central elements described in the following Section 5.1.

5.1 - Elements of assessment

98. Assessing the options and their pros and cons, implies an underlying choice of relevant elements, which will guide the analysis and the comparison of options. Among the cross-cutting factors considered in the previous chapter, two stand out as primary deciding factors in the consideration of multilateral approaches, namely "**Assurance of non-proliferation**" and "**Assurance of supply and services**". Both are recognised overall objectives for governments and for the NPT community. In practice, each of these two objectives can seldom be achieved fully on its own. History has shown that it is even more difficult to find an optimum arrangement that will satisfy both objectives at the same time. As a matter of fact, multilateral approaches could be a way to satisfy both objectives.

Key Elements

99. The **non-proliferation value** (*Label A*) of a multilateral arrangement is measured by the various proliferation risks associated with nuclear facilities, whether national or multilateral. These risks include the following:

a) **Diversion of materials** from an MNA is primarily related to the level of multilateral involvement in its functioning. Because of the different nationalities and interests that exist in a multinational team, it is reasonable to assume that a deeper involvement of such a team ensures a diminishing risk of diversion – provided that there is no collusion.

b) **Breakout scenarios and clandestine parallel programmes** are related to the siting of the MNA facility in a country that is not a technology holder. The risk level for the breakout scenario depends upon the effectiveness of contractual enforcement provisions. The risk of a clandestine programme is increased because of the cover provided by the declared facility (i.e. know-how, procurement, R&D and obscuring enriched uranium traces). However, with effective safeguards and an Additional Protocol in place, these risks could be mitigated.

c) **Diffusion** of proscribed or sensitive technologies from MNAs to unauthorized entities is predominantly related to the participants degree of access to these technologies. More extensive access to sensitive tecnnologies increases the risk of their diffusion.

d) **Security risks.** The risk of theft of nuclear, and especially of fissile, materials depends upon the effectiveness of the facility's physical protection system. A well-guarded MNA, which replaces a wider dispersion of sensitive fuel cycle facilities, has a clear advantage in that respect.

100. The **"Assurance of supply" value** (*Label B*) of a multilateral arrangement is measured by the associated incentives. They include the following:

a) **Guarantees** –The political, commercial, legal and technical credibility of the guarantees provided by suppliers, governments and international organisations;

b) **Economics** – Economic benefits that would be gained by countries participating in multilateral arrangements. Examples could include competitive fuel service costs resulting from the basic advantages of MNA, such as economies of scale, indirect start-up cost savings, or other economical incentives driven by political considerations.

c) **Political and Public Acceptance** – In some instances, MNAs may lead to a wider acceptance of a nuclear project in the host country. In others, e.g. final disposal, the impact could well be negative for the host country, although beneficial for others.

d) **Security and Safety** – To enhance acceptance, any nuclear project, whether national or international, must satisfy proper standards of material security (that is accountability and physical protection), and of nuclear safety for the design and operation of facilities. Here also, the multilateral dimension provides an additional level of confidence, thereby indirectly improving the assurance of supply related to such facilities.

Other Elements

101. While "**Assurance of non-proliferation**" or "**Assurance of supply and services**", are the key elements of assessment, other elements – or issues of interest – are important, mainly insofar as they contribute to the two key elements. They include:

102. **Siting – Choice of host country** (*Label C*). There are three basic options for hosting fuel cycle facilities under multilateral arrangements:

a) Special arrangements – legal structures limiting national jurisdiction on the site of MNA fuel cycle facility (*"extra-territorial" status*);
b) States that are already technology holders;
c) States that are not technology holders.

The nature of safeguards agreements applicable to a location would also be an important factor. Furthermore, the host country will have to be acceptable to partner countries.

103. **Access to technology** (*Label D*). Multilateral options might also vary in the extent of access to technology that they permit:

a) Full access;
b) Assembly and maintenance know-how;
c) Operational know-how;
d) None.

104. **Multilateral involvement** (*Label E*). Multilateral options may also offer various levels of involvement for the participating States:

a) Minimum: Supply-only arrangement;
b) Ownership: sharing ownership of the facility;
c) Management: taking part in the management of the facility;
d) Operation: participating in the operation of the facility;
e) Maximum: Joint research and development, design and construction of facilities.

105. **Special safeguards provisions** (*Label F*). Each multilateral option should have safeguards provisions that define the measures to be taken to ensure that no proliferation occurs. Such measures might include:

a) Expanded facility-specific safeguards agreement, covering not only nuclear materials, but also functionally essential components of an MNA facility;
b) Additional Protocol;
c) Special safeguards arrangements;
d) "Continuity of Safeguards" for the facility and the nuclear material and components in connection with the breakout scenario, breach of contract, or a voluntary dissolution of the arrangement.

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106. Non-nuclear Inducements (*Label G*). These may prove vital in securing the willingness of certain States to restrict or forego the possession of indigenous nuclear fuel cycle facilities. Incentives may include:

a) Trade benefits
b) Security arrangements (regional/international)
c) Security guarantees/assurances
d) Assistance in the development of the (non-nuclear) energy sector

Such incentives would be country-specific. An understanding is needed as to what factors are applicable to the partner-State and what factors are applicable to the host-State, since they would differ for each.

107. Finally, it can be noted that with the help of such elements, multilateral options can be compared among themselves, as well as with purely national arrangements.

5.2 - Uranium enrichment

108. The term 'enrichment' is used in relation to an isotope separation process by which the abundance of a specified isotope in an element is increased, such as the production of enriched uranium from natural uranium or heavy water from plain water[15]. An enrichment facility separates isotopes of uranium to increase the relative abundance, or concentration, of ^{235}U in relation to ^{238}U. The capacity of such a facility is measured in Separative Work Units (SWU).

Technologies

109. Uranium must be enriched if it is to be used in certain reactor types and in weapons. This means that the concentration of fissile ^{235}U must be increased before it can be fabricated into fuel. The natural concentration of this isotope is 0.7%, but a concentration of around 3.5% is usual to sustain a chain reaction in the most common commercial nuclear power plants. Some 93% enrichment is customary for weapons and for naval propulsion. Yet, naval propulsion is possible with only 20%, or even less. The enrichment process is not linear, since as much separative work is needed between 0.7% and 2% as between 2 to 93%. This means that the enrichment work up to the weapon level is reduced to less than one half and the amount of uranium feed to less than 20%, when commercial enriched uranium is readily available.

110. Of the techniques for increasing the concentration of ^{235}U, seven are of particular importance:

111. *Gaseous Diffusion* - This was the first method of enrichment to be commercially developed. The process relies on a difference in the mobility of different isotopes of uranium when they are converted into gaseous form. In each gas diffusion stage, uranium hexafluoride gas (UF_6) is pumped under pressure through a porous nickel membrane (installed sequentially in a cascade), which causes the lighter gas molecules containing ^{235}U to pass through the porous walls of the tube more rapidly than those containing ^{238}U. This pumping process consumes large amounts of energy. The gas that has passed through the tube is then pumped to the next stage, while the gas remaining in the tube is returned to lower stages for recycling. In each stage, the concentration of ^{235}U /^{238}U is increased only slightly. Enrichment to reactor grade requires over a thousand stages.

112. *Gas Centrifuge* - In this type of process, uranium hexafluoride gas is forced through a series of rapidly spinning cylinders, or centrifuges. The heavier ^{238}U isotopes tend to move towards the wall of the cylinder more than the lighter molecules containing ^{235}U. The gas nearer the centre is removed and transferred to another centrifuge for further separation. As it moves through a succession of centrifuges, the gas becomes progressively richer in the ^{235}U isotope. Electricity requirements for this process are relatively low compared with gaseous diffusion, and as a consequence this process has been adopted for most new enrichment plants.

113. *Aerodynamic Separation* - The so-called Becker technique involves forcing a mixture of hexafluoride gas and either hydrogen or helium through a nozzle at high velocity and then over a curved surface. This creates centrifugal forces that act to separate the ^{235}U isotopes from the ^{238}U. Aerodynamic separation necessitates fewer stages to achieve comparative enrichment levels than gaseous diffusion, but this process still requires large amounts of electricity and is not generally considered economically competitive. In a significantly different aerodynamic process from the Becker process, a mixture of uranium hexafluoride and hydrogen is spun centrifugally in a vortex within a stationary wall centrifuge. Withdrawal of the enriched and depleted streams takes place from both ends of the tubular centrifuge in an arrangement somewhat similar to the revolving centrifuge. An industrially sized plant of 250000 SWU/a capacity for a maximum 5% ^{235}U enrichment operated within South Africa for almost 10 years, but also suffered from excessive energy consumption and was closed down in 1995.

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[15] See IAEA Safeguards Glossary.

114. *Laser Enrichment* - The laser enrichment technique involves a three stage process; excitation, ionization and separation. There are two techniques to achieve these effects, the 'Atomic Approach', and the 'Molecular Approach'. The Atomic Approach is to vaporise uranium metal and subject it to a laser beam at a wavelength that excites and ionises the ^{235}U atoms, but not the ^{238}U atoms. Then, an electric field sweeps the ^{235}U atoms onto a collecting plate. The Molecular Approach also relies on differences in the light absorption frequencies of uranium isotopes, and begins by exposing molecules of uranium hexafluoride gas to infrared laser light. ^{235}U atoms absorb this light, thereby causing an increase in their energy state. An ultra-violet laser can then be used to break up these molecules and separate the ^{235}U. This process appears to have the potential to produce very pure ^{235}U and ^{238}U, but overall efficiencies and recombination rates remain to be proven. It should be noted here that the molecular process can only be used to enrich uranium hexafluoride and is not suitable to "clean" high burn-up Pu metal as is possible in principle with the atomic process that can enrich both U and Pu metal. The molecular process is, therefore, marginally more non-proliferation friendly than the atomic laser process.

115. *Electro-Magnetic Isotope Separation (EMIS)* - The EMIS process of enrichment is based on the fact that an electrically charged atom, travelling through a magnetic field, moves in a circle whose radius is determined by the ion's mass. EMIS is achieved by creating a high current beam of low energy ions and allowing them to pass through a magnetic field created by giant electro-magnets. The lighter isotopes are separated from heavier isotopes by their differing circular movements. This is an old technique, used in the early 1940s. Coupled with modern electronics, it can serve for the production of weapons-grade materials, as Iraq had attempted to do in the 1980s.

116. *Chemical Separation* - This form of enrichment exploits the fact that ions of these isotopes will travel across chemical 'barriers' at different rates because of their different masses. There are two methods to achieve this: the method developed in France of solvent extraction; and the process of ion exchange used in Japan. The French process involves bringing together two immiscible liquids in a column, giving an effect similar to that of shaking a bottle of oil and water. The Japanese ion exchange process requires an aqueous liquid and a finely powdered resin, which slowly filters the liquid.

117. *Plasma Separation* - In this process, the principle of ion cyclotron resonance is used to selectively energise the ^{235}U isotope in a plasma containing ^{235}U and ^{238}U ions. The plasma flows through a collector of closely spaced, parallel slats. The large-orbit ^{235}U ions are more likely to deposit on the slats, while the remaining plasma, depleted in ^{235}U, accumulates on an end plate of the collector. The only countries known to have had serious plasma experimental programs are the United States and France. In the US, development was dropped in 1982. The French project was suspended around 1990, although it is still used for stable isotope separation.

118. Thus far, only gas diffusion and centrifugation have reached commercial maturity. To a different degree, all seven techniques are more or less sensitive in terms of proliferation, since they can be used in a clandestine programme to produce high enriched uranium from natural uranium or from low-enriched uranium regardless of cost. However, the signatures will be different, affecting the likelihood of detection.

Historical background

119. Multinational arrangements have been somewhat more successful in uranium enrichment than in similar efforts in the field of spent fuel reprocessing. In part, this is because reprocessing technology is much more widely known, and uses more conventional industrial techniques than enrichment, which was originally, and exclusively, based on the very sophisticated, industrially complex and highly classified gaseous diffusion technology. The newer centrifuge enrichment technology is still subject to the kinds of uncertainties that make joint ventures involving cost- and risk-sharing more appealing.

120. The two uranium enrichment consortia, Urenco and EURODIF, are institutional expressions of the movement towards a European indigenous enrichment capability. In spite of initial difficulties, they came to represent two different economic and industrial models of multinational ownership and operation, neither of which was established for explicitly non-proliferation purposes, but both of which contributed to that end[16].

121. Urenco is the more complex of the two organisations, embracing enrichment facilities in three countries: the United Kingdom, Germany and the Netherlands. Based on the Treaty of Almelo, Urenco owns and operates gas centrifuge enrichment facilities in the three participating States, helps to coordinate research and development (at first jointly, then individually, and then collectively once again), assures equal access to developments in centrifuge technology by any of the members, and executes contracts for the sale of services to third countries with the unanimous agreement of the participants.

122. The main driving force behind the setting up of the Urenco organisation in the early 1970's was commercial; it was clear to the British, Dutch and German shareholders that developing the centrifuge technology and exploiting it solely for their respective national power programmes would bring security of supply, but not at a competitive cost. Clearly, the best way forward was to cooperate and share development and operating costs, firstly to supply their joint national requirements, and subsequently, if the outcome was a more competitive position, to be able to sell enrichment services commercially outside their domestic markets.

123. Nonetheless, for a business and a technology as sensitive as uranium enrichment, there were other political considerations, that helped to drive the decision to set up such an international programme. The three governments believed that the type of international organisation that could be established – with multinational organisation and management, together with trinational political oversight and control rights – would prevent the proliferation of technology and materials. It is also worth recalling that, at that time, there were significant political sensitivities to building a plant to enrich uranium in Germany; this was avoided by building the first German- owned capacity in Holland, as a joint Dutch/German-owned facility, operated by an international team.

124. From the start, EURODIF involved five participating countries - France, Italy, Spain, Belgium and Iran - but only one enrichment facility, located in France. Unlike Urenco, which is oriented towards an external market, EURODIF was intended to serve the domestic fuel requirements of its members. The level of investment of each member corresponded to its percentage share of the product, and sensitive barrier technology was held by only one member: France. Thus, while excluding the transfer or sharing of sensitive technology, EURODIF did provide European participants with an assurance of supply, and an equity share in a production enterprise utilising proven advanced technology. Unlike Urenco, EURODIF has never been a manufacturer of enrichment equipment.

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[16] SCHEINMAN, L. "The Nuclear Fuel Cycle: A Challenge for Non-proliferation"; Disarmament Diplomacy; March/April 2004.

125. Neither of the two enrichment consortia have been trouble-free. Urenco has faced difficulties both in terms of technology and investment. It was originally intended that Urenco would develop a single centrifuge technology that would be exploited on a centralised basis. The participants, however, had already made heavy investments in technology development at the time Urenco was established, and they were unwilling to forego this investment in favour of a common technological approach. As a result, they decided in 1974 to permit each of the shareholders to continue developing their own technology, in order to determine which one would best apply for new common facilities. Insofar as investment was concerned, Urenco plants were to be built with equal ownership and investment by the three partners, regardless of location. By the mid-1970s that formula was revised in favour of a two-thirds national/one-third partners' investment arrangement, in response to differences among the shareholders regarding the timing for new facilities and the appropriate marketing strategy. Subsequently, the formula was revised again to reflect a 90% national ownership in Urenco facilities. Later, all facilities were brought once more under a single ownership with full multinational management and operation.

126. EURODIF's problems have been of a somewhat different nature. Changes in the pace of national nuclear power programmes have affected the timing of requirements for enriched uranium, particularly in Italy, which had taken a 23% share in EURODIF production at the time the organisation was created. Unable to absorb its share of the production, yet required to take and pay for it, Italy sought to alter its relationship to the consortium. Iran was faced with the same problem, and received back the major portion of its initial investment. These changes markedly increased the French share, further reducing the multinational character of the enterprise.

127. This and the Urenco experience underscore the economic vulnerabilities of multinational arrangements, a lesson for other countries contemplating similar ventures. A multinational fuel cycle strategy, just like a national one, must rest on a solid economic justification in order to be successful.

Current status

128. Enrichment facilities, under IAEA safeguards, presently exist in the following countries: Argentina, Brazil, China, Germany, Iran, Japan, Netherlands, and the United Kingdom. Furthermore, enrichment facilities not under safeguards exist in France, India, Pakistan, the Russian Federation and the USA.

129. The next decade will see something very unusual in the nuclear fuel cycle: all of the world's commercial enrichment enterprises will be engaged at the same time in re-building and to a lesser extent expanding their industrial capacities. Old plants will be decommissioned and new ones will be added as new Parties come into the picture[17]. The annual world demand in 2004 was about 38 million SWU, expected to grow to some 43 million SWU in 2020[18], with higher projections of up to 52 million SWU.[19] The current production capacity amounts to 50 million SWUs per year.

▶EURODIF

The Georges Besse Gas Diffusion Plant (GDP), now operated by Areva, has been running in recent years with an output of approximately eight million SWU/year from a nominal capacity of 10.8 million SWU/year. Investment in new GDPs, however, will not be competitive with the latest generation of centrifuge, which is why the Georges Besse plant will be replaced by centrifuge capacity in the years ahead. The replacement will be based on the Urenco technology. A new

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[17] RWE NUKEM, Market Report, November 2004

[18] AREVA, France; communication to the Expert Group.

[19] The Global Nuclear Fuel Market: Supply and Demand 2003 – 2025, World Nuclear Association, London (2003)

Quadripartite Agreement, focusing on the protection of the technology, will ensure that the basic Urenco arrangements (the Treaty of Almelo, between the British, German and Dutch Governments) are also respected in the joint venture with Areva in France. The installed capacity of the new French enrichment plant will be some 7.5 million SWU/year as of 2015. In spite of this cooperation, Areva and Urenco will remain competitors in the market of enriched uranium, as explicitly requested by the European Commission.

▶ Urenco

The three enrichment plants of Urenco (Gronau in Germany, Almelo in the Netherlands and Capenhurst in the UK) have a total capacity of 6 million SWU/year. The capacity will increase slowly to the level of 8 million SWU/year by year-end 2007.

One of the more closely followed projects in the enrichment world is the current project of Urenco and its American utility partners (Louisiana Enrichment services, LES) to site and build an enrichment facility in the US to diversify the national SWU sources of supply. Urenco has estimated (based on its own experience) that a plant can be made operational within about two years of the start of construction. The first enriched uranium from the new American facility is thus expected to roll off the line as early as the last quarter of 2008. Full capacity will be 3 million SWU/year by the year 2013.

▶ United States Enrichment Corporation (USEC)

USEC is responsible for the marketing of the 500 tonnes of high enriched uranium released from the Russian weapon stockpile, transformed into low-enriched uranium before shipment to the United States. For the future, unlike Areva and LES, USEC is banking on a new technology that has never operated on a commercial scale. The USEC centrifuge machines will incorporate a number of enhancements that modern industrial techniques and computer technology now make possible. Each one of them is said to be about 12 metres tall and roughly 50 centimetres in diameter, far larger than Urenco's latest model. This represents major engineering challenges and makes for a rather technically risky nuclear project. The payoff, according to USEC, is that they will be the most economical centrifuges ever built. The current plan calls for capacity of one million SWU/year in 2010 and 3.5 million SWU/year at "full production" in 2011.

▶ Rosatom

The Russian enrichment production runs extremely well using fairly basic "subcritical" short machines that operate reliably with little maintenance. The Russian current enrichment capacity is about 20 million SWU/year. Freshly mined uranium in Russia falls short of the annual requirement to fuel Russian-type reactors, both domestic and foreign. The shortfall is made up in several ways, including using reprocessed uranium, the return of feed from the Russian-American deal on high enriched uranium, and tails-stripping activities involving both foreign and possibly domestic sources of depleted uranium. The total separative capacity is expected to reach 26 million SWU/year a couple of years beyond 2010.

▶ Japan Nuclear Fuel Limited (JNFL)

The Uranium Enrichment Plant is operating with a capacity of 1.05 million SWU/year. A centrifuge with performance of 2.5 to 3 times higher than conventional ones is under development. In the future, the capacity is planned to be increased by 1.5 million SWU/year, meeting approximately one-third of the enrichment needs of nuclear power plants in Japan.

Economics

130. Little information is available on the economics of enrichment. Most transactions of enrichment services are made through long-term contracts. The spot/secondary market price for a SWU has been moving from a $60-80 range in the late eighties to $90-110 now. With respect to gaseous diffusion, the electricity cost component may be close to $60, since it takes some 3000 MWe to produce 10 million SWU, assuming a cost of 3 cents/kWh. Centrifuge production should offer a comfortable margin, even when taking into account the higher capital costs.

131. Uranium enrichment facilities are extremely capital intensive (centrifugation even more than diffusion). Therefore, from the strict short-term economic perspective, such facilities should serve large reactor fleets or be commercially competitive on the world market to make economic sense.

Assurance of services

132. Separative work capacity in the world is expected to exceed demand for the next 10 years, and thereafter remain abreast of demand. With suppliers eager to do business, there is hardly a reason to doubt the ability of the market to provide adequate assurance of enrichment services. Yet, among the suppliers themselves, those with large nuclear power programmes – such as France and the United States – want to maintain a self-sufficient supply capacity. For smaller countries, the MNA route could offer economic and strategic advantages in buttressing regional assurances of supply.

Legal and institutional

133. Under this heading, the cases of Urenco and EURODIF may again serve to illustrate the related legal and institutional arrangements that need consideration.

134. At Urenco, political responsibilities are kept separate from industrial and commercial operations. The political aspects of the activities of the Urenco Group are controlled by the intergovernmental Joint Committee, which was set up under the agreement of the Treaty of Almelo (signed and ratified by all three governments in 1971). This Joint Committee has jurisdiction over those areas of international concern, including safeguards, classification and security, the suitability of enrichment service customers, the transfer of technical information and technology to third parties, and the siting of major facilities. The Joint Committee governs the way political and security aspects of any technology joint ventures are managed. For example, in the case of the LES partnership venture to build a centrifuge enrichment plant in the USA, the three governments of the Joint Committee reached agreement with the US government on the Quadripartite Agreement. This agreement sets out the required arrangements under which Urenco classified information and/or technology is to be transferred into the USA, in order to enable the plant to be licensed, constructed and operated, (and the control of any information flowing back to Urenco from the US plant). The commercial viability of any such project is not covered; it is entirely a matter for the Urenco management and its shareholders.

135. Through the late 1970's and 1980's, Urenco operated as three separate national companies working together as a partnership; each country had the ability to design, develop and manufacture centrifuges, and build, commission and operate the plant. Since the restructuring of the Urenco Group in 1993, the organisation has been run on an international basis from the Group Headquarters in the UK, with plant design concentrated in the UK, centrifuge manufacture in the Netherlands, and centrifuge R&D in Germany.

136. The Almelo Treaty allows for any of the countries to formally withdraw from the Treaty, upon one year's notice and after the first ten years of its operation, albeit with some difficult commercial negotiations. If this were to happen, one could then envisage a new, national organisation, which could take charge of the national plant. However, although the continued operation of existing enrichment plants would not be compromised, the international division of responsibilities now within the Urenco Group would make this more difficult/expensive to sustain. The most difficult aspect would be the ability to manufacture and assemble centrifuge components for new capacity, and to re-establish R&D capability for future development.

137. Therefore, Urenco represents a good management model for multinational arrangements and demonstrates the viability and utility of separating the political and business decision-making authorities, a division of authority that has never disrupted the industrial and operational responsibilities of the organisation.

138. In comparison with Urenco, EURODIF is straightforward: management, operations, and technology remain under the national control of the host state. Its potential value as a model for non-proliferation is correspondingly greater. On the other hand, precisely because of the managerial, operational, and technological limitations that this approach imposes on all but the host nation, its appeal may be limited to States which have little interest in the opportunity to participate in management or to have access to advanced technology, but which are content to have access to fuel supply on a timely, predictable, and economically attractive basis.

139. With no transfer or sharing of sensitive technology, EURODIF was able to provide its European partners with irrevocable security of supply. The EURODIF model, however, has one distinct disadvantage whenever a strategic redirection in technology is necessary, as is now the case with EURODIF itself going from diffusion to centrifugation. Although the other shareholders outside the host country may participate in a broad decision to adopt entirely new technology or marginally change the existing technology through upgrading, they have no access to a detailed technical risk assessment of the future new or upgraded technology and they have to rely totally on the host country's own internal and confidential assessment. Partners with a significant investment may perceive this as an unacceptable risk and the Urenco model has a distinct advantage in this regard.

Non-proliferation and security

140. Today, if cost is of no concern, small centrifuge facilities can be built in most industrialised countries. In order to produce one significant quantity (SQ) of high enriched uranium (that is the approximate amount required for manufacturing a nuclear explosive device taking into account unavoidable losses), there is no need for plant sizes comparable to the large commercial facilities discussed earlier in this chapter: a good-sized office conference room would accommodate the required number of centrifuges. The task is even simpler if enriched uranium is at hand: as noted earlier, at the 3.5% enrichment level, used by nuclear power plants, six-tenths of the separative work needed for weapon-grade uranium has already been carried out. At the 20% enrichment level, used by research reactors, nine-tenths of the separative work needed for weapon-grade uranium has already been carried out. Once an enrichment facility has been established, it is estimated that it could take as little as a few months to produce enough HEU for one SQ, should the operators so desire and without any external restraint.

141. Enrichment facilities represent a particular challenge for international verification, because of the veil of secrecy that enshrouds such facilities. On the one hand, the facility owner is often reluctant to let outsiders have a close look at his centrifuges, to protect his legitimate trade secrets. On the other hand, international inspectorates prefer to keep their own inspectors away from proliferation-relevant know-how. Verification must sometimes follow indirect routes, the enrichment level in the piping and in the environment being a good indicator of misuse of a facility, so that together with in-situ inspections, modern technology – in particular the physico-chemical analyses of trace particles - offers a number of powerful tools capable of detecting anomalies on known nuclear sites.

142. The safeguards approach developed for gas centrifuge uranium enrichment plants subject to safeguards and operating at a stated uranium enrichment of 5% or less involves inspection activities both inside and outside cascade areas. Inspections outside the cascade hall are focused on verifying declared flows and inventories of nuclear material to detect the diversion of declared uranium. Inspections of cascade areas, known as Limited Frequency Unannounced Access (LFUA)[20] are designed to detect the production of uranium at an enrichment level which is higher than that declared, while protecting the sensitive technical information related to the enrichment process. The LFUA regime, inter alia, secures access with short notice for IAEA inspectors to the cascade area of the plant concerned. Inspection activities to be implemented within the cascade area include visual observation, radiation monitoring and non-destructive assay measurements, environmental sampling, and application and verification of seals. The activities to be performed and the frequency of access to the cascade area depend on the design and operation specifics of the plant.

143. With respect to multinational enrichment facilities, past studies have drawn no specific conclusions as to their possible implications for non-proliferation since, at the time, this technology was of little concern. Firstly, and insofar far as safeguards are concerned, the MNA concept implies fewer larger facilities. Having fewer sites to watch means, in turn, that with a given amount of resources – a given safeguards budget – the IAEA is in a position to monitor more carefully. Secondly, in terms of proliferation risks, a joint facility with multinational staff places all participants under a greater degree of scrutiny from peers and partners, all of which strengthens non-proliferation and security. By their very nature, such MNAs have the potential to deter a "breakout" by the host partner. A countervailing factor, of course, is the possibility that international cooperation may increase proliferation risks (misuse of know-how, of procurement and of R&D). In this context, it would seem that the Urenco model is quite appropriate for partners having already developed their own individual know-how, while the EURODIF model has the upper hand when most participants/partners have not already done so.

Options for multilateral approaches for enrichment

144. This section suggests pros and cons associated with different approaches to assuring the supply of enrichment services, using the standard typology defined earlier.

***Type I*: Assurances of services not involving ownership of facilities**

a. Suppliers provide additional assurances of supply

145. This would correspond to enrichment plant operators, individually or collectively, guaranteeing to provide enrichment capacity to a State whose government had in turn agreed to forego building its own capacity, but which then found itself denied service by its intended enrichment provider for unspecified reasons.

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[20] see IAEA Safeguards Glossary

Pros*	Cons
1. No further dissemination of know-how; hence reduced proliferation risks (A)	*1. The cost of maintaining reserve idle capacity (or a fuel bank), if required, needs to be assigned among the suppliers (B)*
2. Ease of implementation, few participants, no new ownership arrangements required (B)	*2. For some, States with enrichment facilities may not be considered politically diverse enough to provide needed assurance (B)*
3. Reliance on a well-functioning market (B)	*3. Credibility of 'assurance' commitments unclear in the case of private firms (B)*
4. No additional safeguards financial burden on the IAEA (B)	*4. Maximum dependence on "prior consent rights" of supplying countries (B)*

By the very nature of the nuclear business worldwide, any guarantee from a supplier would have the implicit or explicit agreement of that supplier's government. However, the governmental agreement would apply only to the supplier under its jurisdiction. This model may be understood as a "private fuel bank" (See also Section 5.3).

b. International consortium of governments

146. In this case, it is a consortium of governments that would guarantee access to enrichment services; the suppliers would simply be executive agents. The arrangement would be a kind of "intergovernmental fuel bank". The mechanism might involve legislation establishing a government claim on such capacity under specified circumstances. Alternatively, it might be a contract, under which a government buys guaranteed capacity under specified circumstances. Different States might use different mechanisms. Most pros and cons are shared with the preceding case:

Pros	Cons
1. No further dissemination of know-how; hence reduced proliferation risks (A)	*1. Difficult negotiations among many governments and suppliers (B)*
2. Cost of reserve-keeping can be borne by governments rather than by the suppliers (B)	*2. For some, States with enrichment facilities may not be considered politically diverse enough to provide needed assurance (B)*
3. Reliance on a well-functioning market (B)	*3. Remaining dependence on "prior consent rights" attached by supplier States (B)*
4. No additional safeguards financial burden on the IAEA (A)	*4. Existing property rights must be taken into account (B, E)*
5. Consortium guarantees more reassuring (B)	

c. IAEA-related arrangements

147. This is a variation of the preceding option, with the IAEA acting as the anchor of the arrangement. Essentially, the Agency would function as the guarantor of supply to States in good standing under the NPT and which are willing to accept the requisite conditionality (which would need to be defined, but which would likely need to include foreswearing a parallel path to enrichment/reprocessing plus acceptance of the Additional Protocol). The IAEA might either hold title to the material to be supplied or, more likely, act as guarantor, with back-up agreements between the IAEA and supplier countries to fulfil commitments made by the IAEA effectively on their behalf. These assurances in turn might need to be supplemented by standby arrangements whereby one nuclear supplier would step into the shoes of another should the first fail to perform. In effect, the IAEA would be establishing a default mechanism, only to be activated in instances where a normal supply contract had broken down for other than commercial reasons, in which case supply would need to be in conformity with the previously agreed criteria.

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* A: Non-proliferation - B: Assurance of supply - C: Siting - D: Access to technology - E: Multilateral involvement – F: Special safeguards provision – G: Non-nuclear inducements

148. The suggested pros and cons are therefore similar. An additional pro reflects the composition of the IAEA: its membership is broader than that of a commercial consortium. Furthermore, there is the IAEA's track record, reputation, credibility and relevant experience. The viability of the arrangement might nonetheless require a sufficient number of suppliers to grant prior generic consent for the transfer of the respective materials and services.

Pros[*]	**Cons**
1. No further dissemination of know-how; hence reduced proliferation risks (A)	*1. Diverse and potentially conflicting interests and priorities of IAEA. Difficult negotiations among many governments, suppliers' membership. Uncertain liability exposure of the IAEA (B)*
2. Cost of reserve-keeping can be borne by the IAEA rather than by the suppliers (B)	*2. For some, countries with enrichment facilities may not be considered politically diverse enough to provide needed assurance (B)*
3. Reliance on a well-functioning market (B)	*3. Remaining dependence on "prior consent rights" of supplying countries, except if they recognise the IAEA as bona fide end-user (B)*
4. No additional safeguards financial burden on the IAEA (A)	
5. IAEA guarantees more reassuring (B)	

149. Several questions can be raised with respect to the IAEA and its special status as an international organisation subject to the control of its Member-States. Any guarantee provided by the IAEA would require approval by its Board of Governors. For a recipient country, this amounts to 35 governments to deal with instead of one or a few. Therefore, what would be legitimate grounds for denial on the part of the IAEA besides safeguards, safety and security? For States seeking a supply guarantee, what would be the real value added of an IAEA guarantee? Questions requiring further clarification also relate to whether procedures for arbitration or legal settlement would be available after a decision by the Board, and whether the IAEA would carry a commercial liability exposure.

Type II: Conversion of existing national facilities to multinational ones

150. Converting a national facility to international ownership and management would involve the creation of a new international entity, which would operate as a new competitor on the world enrichment market. Thus a number of the suggestions in the table below reflect the pros and cons of an international entity in such a situation, independent of the related technology. Others reflect the fact that most of the existing facilities are in NWS or non-NPT States.

151. The EURODIF model would be the most likely model for the conversion of an existing national facility into a multilateral arrangement. For such a model, the pros and cons are:

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[*] A: Non-proliferation – B: Assurance of supply - C: Siting - D: Access to technology - E: Multilateral involvement - F: Special safeguards provision - G: Non-nuclear inducements

Pros[*]	Cons
1. No new construction required. No further dissemination of know-how; hence reduced proliferation risks (A, D)	*1. Several facilities would likely be needed in sufficiently politically diverse countries to provide needed assurances (B)*
2. When additional safeguards measures are introduced in facilities where they do not now exist, non-proliferation is strengthened (A, F)	*2. Existing property rights must be taken into account (B, E)*
3. Potential strengthening of proliferation resistance through international management (A, E)	*3. Difficulties of international management, especially with the distinctive burden of providing assurances of supply (B)*
4. Potential pooling of international expertise and resources (B, D, E)	*4. Potential proliferation risks due to diffusion of international know-how (A)*

Type III: Construction of new joint facilities

152. The two historical precedents for the construction of a new multinational enrichment facility are Urenco and EURODIF. New joint construction was also the focus of the IAEA's 1975-1977 Regional Nuclear Fuel Cycle Centre (RFCC) Study, albeit in the context of reprocessing, and is thus of general relevance here. Most of the suggested pros and cons below stem from this context.

Pros[*]	Cons
1. Strengthening of proliferation resistance through multinational oversight, management and staff, with less opportunity for diversion, theft and loss, and breakout (A, E)	*1. Higher proliferation risks due to broader access to know-how (unless the EURODIF model is followed) (A, C, D, E)*
2. Pooling of international technical expertise and financial resources (B, D)	*2. Uncertain commercial competitiveness in a market where there is no shortage of supply or possible market disturbances by subsidized facilities (B)*
3. Economies of scale (B)	*3. Difficulties of international management, as experienced by Urenco (E)*
4. Fewer larger enrichment centres mean fewer sites to safeguard (A, C)	*4. Difficulties with long-term cost sharing, as experienced by EURODIF (E, F)*

153. The planning of a new uranium enrichment facility would be a challenging undertaking, requiring large human and financial resources, in which many considerations would be intertwined. On the non-proliferation side, these considerations are: diversion risks; clandestine parallel programmes; breakout from agreements and from the NPT; and safeguards arrangements. On the business side, such considerations are: siting; economics; political and public acceptance; access to technology; partners' involvement in operation; and non-nuclear commercial and trade agreements. However, in the case of enrichment, there are the existing examples of Urenco and EURODIF to refer to.

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[*] A: Non-proliferation - B: Assurance of supply - C: Siting - D: Access to technology - E: Multilateral involvement – F: Special safeguards provisions – G: Non-nuclear inducements

5.3 - Spent fuel reprocessing

154. Reprocessing facilities dissolve and process spent nuclear fuel to chemically separate uranium and plutonium from fission products. The recovered uranium and plutonium can be recycled in mixed-oxide (MOX) fuel in nuclear power plants to generate additional energy, thereby making more complete use of uranium resources and reducing enrichment requirements. Reprocessing also facilitates final waste disposal by reducing the volume of high level waste and removing plutonium. Reprocessing is an international business with facilities in France, the Russian Federation and the United Kingdom willing to accept foreign spent fuel for reprocessing. With the exception of Russian reprocessing of Russian origin spent fuel, current laws in these three countries require that all final waste be eventually returned to their countries of origin.

155. The reasons given for civilian reprocessing are: recycling the fissionable components – plutonium (e.g. as MOX) and uranium – and for radioactive waste management. Thus there is a close connection between reprocessing and MOX fuel fabrication: it is important to match these activities to avoid the build-up of separated plutonium. This chapter therefore looks at reprocessing facilities in isolation, and also in connection with their complementary MOX fabrication facilities.

Technologies

156. All operating commercial reprocessing plants, and the one under construction at Rokkashomura, use the PUREX process and 'chop-leaching' technique. After storage for cooling, a fuel assembly's end-fittings are sheared off, the fuel rods are chopped into pieces and dissolved in nitric acid, and cladding hulls and other residue are removed. A multistage solvent extraction process, using tributyl phosphate (TBP) as a solvent, is generally used, first, to separate uranium and plutonium from fission products and minor actinides and second, to partition the uranium and plutonium from each other. The end products from the process are uranyl nitrate solution, plutonium nitrate solution and raffinate solution containing fission products and minor actinides.

157. At the Tokai and Rokkashomura plants in Japan, the immediate next steps are denitration to produce uranium oxide powder (UO_3) and co-denitration to produce mixed uranium-plutonium oxide powder (UO_2-PuO_2). Plutonium nitrate solution is immediately mixed with uranyl nitrate solution without separation. These are the forms in which the uranium and plutonium are stored. At the Thorp plant in the UK and the La Hague plants in France, the separated uranium and plutonium are stored as UO_3 and PuO_2. Eventually, the plutonium oxide or mixed oxide powder is shipped to fuel fabrication and then returned to the owner as MOX fuel assemblies. Currently the uranium oxide is largely stored, although Urenco re-enriched recycled uranium in the past and some is still sent to Russia for re-enrichment.

158. The RT1 plant in Russia accepts WWER-440 spent fuel and HEU spent fuel from fast reactors, research reactors and submarine reactors. The principal product is uranium oxide, which is recycled in RBMK fuel. Plutonium oxide is stored.

159. Research to improve existing reprocessing technologies covers advanced PUREX processes and other aqueous processes, the THOREX process for separating ^{233}U in thorium-based fuel cycles, non-aqueous processes including volatility and reductive extraction processes, and pyrochemical processes.

160. Pyrochemical separation relies on electro-refining techniques, in which spent fuel is dissolved in a molten salt electrolyte, and the useful material is then precipitated onto electrodes. Although they have not yet been developed beyond the laboratory or pilot plant scale, pyrochemical techniques are potentially applicable to most fuel forms. Moreover, because they make it more difficult to completely separate uranium, plutonium and minor actinides from fission products, pyrochemical processes are also considered more proliferation resistant than the PUREX process. Incomplete separation maintains high deterrent radiation levels. However, it also makes the output of pyrochemical processes less suitable for recycle in MOX fuel in thermal reactors, restricting its use largely to fast reactor fuel.

161. Several States are also conducting substantial research on partitioning and transmutation (P&T) as part of processing spent nuclear fuel. P&T, however, has no immediate implications related to non-proliferation.

Historical background

162. The earliest fuel reprocessing efforts were devoted to recovering plutonium from irradiated fuel for military use. However, the initially rapid expansion of civilian nuclear power and high projections of future growth, coupled with a very conservative understanding of the long-term availability of uranium resources, argued strongly for reprocessing spent fuel to recycle fissile plutonium and uranium. The argument was especially strong in countries with limited uranium resources, such as France, India Japan, the United Kingdom and to a lesser extent the USSR.

163. The most efficient way to use reprocessed fuel is in fast reactors. Fast reactors have a long history, with the first nuclear electricity ever produced coming from a fast reactor, EBR-1, in 1951. Additional fast reactors, including some fast breeder reactors, subsequently came on line in the USSR, the UK, the USA, France, Germany, India and Japan. New reprocessing plants were planned (and some completed) in Western Europe and North America. However, the early economic incentives for reprocessing and recycling diminished, partly because of the slowdown in nuclear capacity growth starting in the 1970s, partly because uranium resource estimates continually rose and partly because of secondary sources from the release of some military uranium and from the re-enrichment of depleted uranium. The changed economic incentives limited the introduction of fast reactors and of reprocessing.

164. Only one fast reactor, BN-600 in the Russian Federation, currently operates as a power reactor, and it uses not reprocessed plutonium fuel, but fresh high enriched uranium (HEU) fuel. India, however, has just begun construction (October 2004) of a 500 MWe prototype fast breeder reactor at Kalpakkam, and there is ongoing research in a number of countries.

165. The principal historical example of a multinational arrangement is the European Company for the Chemical Processing of Irradiated Fuels (Eurochemic), created in 1959 by 13 European countries. Eurochemic was initially seen by its member countries as a way to pool financial and intellectual resources, and to gain national expertise in an expensive but promising industry. Its facility at Mol, Belgium reprocessed civilian power reactor fuel from 1966 to 1975. At the time of project termination, nuclear growth was slowing, there was overcapacity in the reprocessing business, European enthusiasm for international organisations like Eurochemic had dimmed, national chemical industries in member countries preferred to develop their own experiments with national government aid and Eurochemic's dependence on multiple governments for funding and decision-making made it especially difficult to compete in what was anyway a difficult competitive business.

166. A second international reprocessing initiative (which contributed to the demise of Eurochemic) was the United Reprocessors Gesellschaft (UNIREP), created in October 1971 by British, French and German reprocessors. It followed a FORATOM (European Atomic Forum) recommendation to rationalise investment in order to establish a 'viable industry' in Europe given the then prevailing overcapacity. Wolff (1996)[21] describes UNIREP as "trilateral commercial co-operation in the form of an oligarchic cartel. Its immediate aim was to divide the European reprocessing market between the British and French plants until their capacity was saturated. At this point, a large German plant would take over." In the end, however, UNIREP never built a plant.

Current status

167. Growth in reprocessing capacity has been limited. For civilian nuclear power plants, France has two large reprocessing facilities at La Hague owned and operated by Cogema; the UK (BNFL) has two and the Russian Federation (Rosatom) one. Three smaller facilities operate in India (BARC) – as well as one facility for thorium separation – and one in Japan (JNC). Except for the Japanese facility (Tokai), all currently operating plants are in either NWS or non-NPT States. All are owned directly by governments or by companies controlled by governments. The total nominal capacity available for reprocessing civilian spent fuel is approximately 5000 tonnes of heavy metal per year (tHM/a).

168. About one third of the spent fuel that has been discharged from Power Reactors has been reprocessed up until today, a significant fraction of which is used for MOX fuel for LWRs. The rest is in interim storage. By the end of 2003, 78 000 tonnes of spent fuel had been reprocessed. The plutonium content of MOX fuel generally ranges from 4 % to 40 % depending on the capacity and type of reactor. In recent years the world's civilian power reactors generated approximately 89 tonnes of Pu per year in spent nuclear fuel; approximately 19 tonnes of Pu per year were separated out of spent nuclear fuel; approximately 13 tonnes of Pu were fabricated into MOX each year. The approximate amount of plutonium subject to Agency safeguards at the end of 2003 is included in Table 1 along with other materials subject to Agency safeguards.

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[21] WOLFF, J.-M., "EUROCHEMIC (1956-1990) Thirty-five years of international co-operation in the field of nuclear engineering: The chemical processing of irradiated fuels and the management of radioactive wastes", OECD, Paris (1996)

Table 1

Approximate quantities of material subject to Agency safeguards at the end of 2003

	Quantity of material (t)		
Type of Material	Comprehensive safeguards agreements[a]	INFCIRC/66[b]	Nuclear weapon States
Plutonium[c] contained in irradiated fuel	626.54	33.4	95.9
Separated plutonium outside reactor cores	12.7	0.1	72.8
Separated plutonium in fuel elements in reactor cores	14.2	0.3	0
HEU (equal or greater than 20 % U-235)	21.7	0.1	10
LEU (less than 20 % U-235)	45460	3069	4422
Source material[d] (natural or depleted uranium and thorium)	88130	2124	11998

[a] Covering safeguards agreements pursuant to NPT and/or Treaty of Tlatelolco and other comprehensive safeguards agreements.

[b] Excluding installations in nuclear weapon States; including installations in Taiwan, China.

[c] The quantity includes an estimated 90 t of plutonium in irradiated fuel, which is not yet reported to the Agency under the reporting procedures agreed to (the non-reported plutonium is contained in irradiated fuel assemblies to which item accountancy and C/S measures are applied).

[d] This table does not include material within the terms of subparagraph 34(a) and (b) of INFCIRC/153 (Corrected).

169. The worldwide operational nominal capacity for MOX fuel fabrication is approximately 300 tHM/a. In 2001-2002, MOX fuel requirements for LWRs were approximately 190 tHM/a. MOX fuel was loaded on a commercial basis in 36 LWRs in Europe, and TAPS-1 and -2 in India operated with several MOX fuel assemblies on a trial basis. Although it is possible to use MOX in any LWR, MOX is currently more expensive than fresh uranium oxide fuel, and no substantial increase in MOX fuel requirements is expected in the near term. Only France plans to license more PWRs for MOX. Japanese plans to load MOX fuel at LWRs have been delayed. In addition to this use in commercial LWRs, MOX fuel was used in Japan at the FUGEN advanced thermal reactor, prior to its being shut down in 2003, and the Joyo fast breeder reactor. It is also used at the Phenix reactor in France and in the experimental BOR-60 fast breeder reactor in Russia, and a few experimental fuel assemblies with MOX have been used at BN-600.

170. Construction of the new commercial reprocessing facility built at Rokkashomura in Japan started in 1993. Uranium commissioning began in 2004, active commissioning with actual spent fuel will begin in the course of 2005, and commercial operation is scheduled to begin in 2006. The Rokkashomura plant is unique in that the IAEA has been able to monitor and verify all stages of construction, a factor now considered essential for effective safeguards for any new reprocessing plant.[22]

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[22] Report of the LASCAR Forum: Large Scale Reprocessing Plant Safeguards, STI/PUB/922, IAEA, Vienna, 1992.

171. Looking to the future, uranium prices have begun to rise in the last few years, and medium-term projections of nuclear capacity are regularly revised upwards. Credible long-term scenarios for nuclear power still range from a global phase-out in this century to a vast expansion. In fact, a number of countries are seeing a significant expansion of nuclear power, with a concurrent need for reprocessing and the use of MOX and, for countries committed to a high degree of nuclear fuel cycle independence, for fast breeder reactors.

Economics

172. Insights into the economics of multinational reprocessing based on the PUREX process come both from the experience of Eurochemic and UNIREP and from relevant studies. The principal IAEA study, the Regional Nuclear Fuel Cycle Centres study[23], focussed on the back end of the fuel cycle and more specifically on reprocessing. Its principal substantive motivation was the anticipated economies of scale in reprocessing facilities, but the study also addressed health, safety, environmental and non-proliferation issues.

173. The key result was as expected. A regional fuel cycle centre using the PUREX process would be profitable using cost estimates, interest rates, etc. as developed in the study. The calculations showed substantial economies of scale in building and operating reprocessing facilities. The investment in a regional centre could be 40-60% lower than for national facilities in the case of countries with fairly large nuclear power programmes. For States with small nuclear power programs, the regional cost could be a third or even less of the cost for a national facility. The time necessary to recover capital costs and start turning a profit could be shortened by ten years. The study also concluded that it was possible to evolve to this profitable operation by building the system from the core of existing or planned national installations at the time. The study perceived an incremental practical route from the then current situation to the goal of a regional centre.

174. The study also concluded that regional centres would offer safety, health and environmental advantages. These stemmed from the fact that big regional centres would require fewer sites. Fewer sites would mean fewer environmental impacts and fewer safety risks, and those two things together would mean fewer health impacts and risks, and also smaller cost. There was recognition that fewer, bigger sites would probably mean more shipping and transporting of nuclear material and, other things being equal, more transport would mean more chances for accidents. However, these risks were judged to have been outweighed by the risk reduction attributable to having fewer sites.

175. Despite the study's conclusively positive assessment, no regional fuel cycle centre has ever been built. The principal reason is that the economics changed. The study used a uranium price of $40 per pound U_3O_8 (in 1975 dollars), which appeared reasonable at the time, but the study also did a number of sensitivity analyses. Among other things, it concluded that, given the other economic parameter values that were assumed, even the regional reprocessing centre would be uneconomic if uranium prices were to drop as low as $30 per pound U_3O_8. In fact they dropped below $30 per pound U_3O_8 (in 1975 dollars) three years after the study was completed and have for almost a quarter of a century been below half that value. The spot price for U_3O_8 as of 10 January 2005 was back up to $20.70 per pound (or $7.40 in 1975 dollars).

176. The economics of reprocessing, or more generally the Pu-MOX fuel cycle, have often been debated. France and the United Kingdom now possess significant industrial experience in reprocessing and recycling. They have demonstrated that the cycle can be more or less competitive, depending on the price of uranium. In the long term, reprocessing makes it possible to recover valuable materials. In the short term, it reduces interim storage requirements, and in the medium term it reduces considerably the quantity and the radiotoxicity of waste to be disposed of. States with a significant nuclear programme and with a policy of energy independence have incentives to keep open the reprocessing and recycling strategy.

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[23] REGIONAL NUCLEAR FUEL CYCLE CENTRES, Vol. 1, Summary, 1977 Report of the IAEA Study Project, IAEA, Vienna (1977).

Assurance of services

177. World capacity to reprocess light water reactor fuel is expected to exceed demand for many decades, until plutonium recycling becomes necessary and more economical. In the meantime, with several suppliers ready to do business, the market stands ready to provide adequate assurance of reprocessing services.

178. A State that agrees to forego building its own reprocessing capability, but wishes to have its spent fuel reprocessed and to use the separated plutonium and/or uranium in MOX fuel, will want some assurance that the reprocessing services will be available as needed. Or the State will want an assurance that a package of reprocessing and MOX fabrication will be available as necessary. These are the scenarios envisioned in the listing below of options and possible pros and cons.

179. Various conditions for the assurance of future reprocessing services should be fulfilled in order for a multilateral facility to live up to non-proliferation premises and to assure services. The following release conditions should be incorporated:

a. Only MOX fuel and not separated Pu should be delivered or returned;
b. A reprocessing plant should have a co-located MOX fuel fabrication facility;
c. Just in time reprocessing, i.e. synchronisation of reprocessing and MOX fuel fabrication in order to prevent excess storage of separated plutonium;
d. Just in time MOX delivery, i.e. the delivery of fresh MOX fuel should be synchronized with the refuelling cycle in order to prevent the customer country from storing this fuel for longer periods of time.

Legal and institutional

180. In 1978, the Director General invited States to delegate representatives to an expert group to prepare "proposals for the establishment of schemes for the international management and storage of plutonium in implementation of Article XII.A.5 of the Agency's Statute". The expert group eventually completed its report in November 1982. Three alternatives for the release of Pu were considered, but ultimately no consensus was reached, and International Plutonium Storage (IPS) has never been established. A further study should evaluate release criteria, incorporating and reviewing the conditions mentioned in paragraph 179.

181. Eurochemic, the first multinational nuclear venture, was created in the 1950s under the auspices of the Nuclear Energy Agency (NEA) of OECD. Its termination in 1974, in the face of competition from larger national installations in member countries, has frequently been offered as proof of the weakness and improbability of effective multinational arrangements. Such an assessment, however, ignores certain other facts. Eurochemic was established to serve as a training centre in which reprocessing technologies could be acquired, various fuel types and techniques explored, and industrial experience developed. It was not designed as a means of averting the spread of reprocessing technology, or as an alternative to national development, even though some of its members (particularly the smaller States) may have hoped for the eventual emergence of a single European reprocessing consortium, which would provide a partnership of a magnitude beyond their purely national capabilities. In terms of its mandate, Eurochemic was a success. It facilitated and launched the basis for industrial capability in a new technological field[24].

182. In view of its avowed purpose of technology transfer and the absence of any ban on parallel national technological development, Eurochemic would not be a particularly good model for non-proliferation-oriented multinationalism. On the other hand, ten years of such multinational training and development activity in a high technology area represents an experience and institutional dynamic which may provide important lessons for future ventures, particularly with respect to the scope of the mission; organizational arrangements; allocation of ownership shares and interest; financial obligation; and the degree of restraint imposed on participants regarding parallel activity. Indeed, Eurochemic's provision for an external control organ of participating State governments to deal with problems of common concern, while avoiding interference in operational activities, has been taken into account by subsequent multinational nuclear industrial ventures.

Non-proliferation and security

183. The principal proliferation concern associated with reprocessing plants is the capacity they provide a would-be proliferator to separate plutonium from spent fuel for a weapons programme. The security concern results from the possible presence at reprocessing plants (depending on specific reprocessing cycles) of separated plutonium that could be diverted or misused.

184. Verification of non-diversion at reprocessing plants relies on six major sets of inspection activities: design information verification (DIV), verification of inventory changes, verification of internal material flows, verification of interim inventories for timely detection, the examination of operator records and reports and annual physical inventory verification. Safeguarding reprocessing plants requires regular measurement and continuous monitoring during routine operations.

185. The effective and efficient safeguarding of a reprocessing facility is essential for assuring non-diversion of fissile material and to detect the misuse of the facility. Safeguarding a reprocessing plant is a costly and resource intensive task. In order to assure the highest level of certainty of non-diversion, the IAEA should be involved in the planning of the plant, as it was in Japan.

186. The additional establishment of regional arrangements could reduce the transportation risk for separated fissile material and enhance security, in comparison to intercontinental shipments, but could increase the transportation risk in comparison to national facilities.

187. In the future, new reprocessing processes may help strengthen proliferation resistance, while maintaining the Pu potential for use as fuel in fast reactors, by less complete separation of uranium, plutonium and minor actinides from fission products, which results in higher deterrent radiation levels. Further improvements, technological and otherwise, in monitoring and safeguards procedures may also strengthen the proliferation resistance of future facilities. Co-location of fuel fabrication plants, and perhaps reactors to burn the recycled fuel, could also help.

188. With respect to potential multinational reprocessing facilities, the IAEA Regional Nuclear Fuel Cycle Centres study concluded that a regional centre would have important non-proliferation and security advantages. First, given the PUREX process's economies of scale, the concept of regional centres implied fewer bigger centres than reprocessing built on national centres. Having fewer places to watch would mean that with a given amount of resources – a given safeguards budget – it would be possible to watch more carefully. Moreover, there would be fewer opportunities for diversion, theft and loss. Note that for potential future technologies with lower fix-costs, multinational facilities would not necessarily have these benefits. Second, joint operation puts each participant under greater scrutiny from peers and partners, an environment in which people tend to be more careful, attentive and rigorous, all of which strengthens non-proliferation and security.

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[24] SCHEINMAN, L. "The Nuclear Fuel Cycle: A Challenge for Non-proliferation"; Disarmament Diplomacy; March/April (2004).

189. A potentially countervailing factor, not mentioned in the IAEA study, is the possibility that international cooperation facilitates the international diffusion of reprocessing expertise. This would weaken proliferation resistance, given that the wider the expertise necessary to separate and handle weapons usable material is spread, the easier is proliferation.

Options for multilateral approaches for reprocessing

190. This section suggests pros and cons associated with different approaches to assuring the supply of reprocessing and subsequent fuel services, using the same typology as in other sections.

Type I: Assurances of services not involving ownership of facilities

a. Suppliers provide additional assurances of supply

191. This corresponds to reprocessing plant operators, individually or collectively, guaranteeing to provide reprocessing capacity and/or MOX fuel to a country that had agreed to forego building its own capacity but then found itself denied service by its intended reprocessor for political reasons.

Pros[*]	**Cons**
1. No new plants required (A)	*1. The cost of maintaining available idle reserve capacity is unclear (B)*
2. Ease of implementation, few participants, no new ownership arrangements required (B,E)	*2. For some, States with reprocessing facilities may not be politically diverse enough to provide needed assurance (B)*
	3. Issues surrounding return of Pu and/or radioactive waste to customer country (A, B)
	4. Credibility of 'assurance' commitments unclear in the case of private firms (B)

192. Currently all reprocessing plants are State-owned. By the very nature of the nuclear business worldwide, any guarantee from a supplier would have the implicit or explicit agreement of the corresponding government. However, this type of agreement would bind only the supplier party.

b. International consortium of governments

193. In this case a consortium of governments would guarantee access to reprocessing capacity and to the return of MOX fuel. The suppliers would only be executive agents. The mechanism might be legislation establishing a government claim on such capacity under specified circumstances. Alternatively, it might be a contract by which a government buys guaranteed capacity, again under specified circumstances. Different countries might use different mechanisms.

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[*] A: Non-proliferation - B: Assurance of supply - C: Siting - D: Access to technology - E: Multilateral involvement - F: Special safeguards provision - G: Non-nuclear inducements

Pros	Cons
1. No new plants required (A)	*1. The cost of maintaining available idle reserve capacity is unclear (B)*
2. Consortium commitments may be more reassuring (B)	*2. The 'assured' capacity would be in existing facilities, and the countries with facilities may not be politically diverse enough to provide needed assurance (B)*
3. Cost can be borne by governments rather than industry (A)	*3. Issue of returning Pu and/or radioactive waste to customer country (A, B)*
	4. Existing property rights will have to be taken into account (B, E)

c. IAEA-involved arrangements

194. This is a variation of the preceding option with the IAEA as the key decision-making and administrative body of a consortium. The suggested pros and cons are therefore similar. Here, however, an additional pro reflects the composition of the IAEA: its membership is broader than that of a commercial consortium. For the IAEA to play its role, it would seem logical and necessary for the Agency to be freed of any further consent rights, assuming that consent rights could be subsumed into common mechanisms.

195. The mechanism might be legislation establishing an IAEA claim on such capacity under specified circumstances. Or it might be a contract by which the IAEA buys guaranteed capacity, again under specified circumstances.

Pros[*]	Cons
1. No new plants required (A)	*1. The cost of maintaining available idle reserve capacity is unclear (B)*
2. IAEA commitments may be more reassuring (B)	*2. The 'assured' capacity would be in existing facilities, and the countries with facilities may not be politically diverse enough to provide needed assurance (B)*
3. Cost of reserve-keeping can be borne by the IAEA rather than by suppliers (B)	*3. Diverse interests and priorities of IAEA membership (B)*
	4. Issue of returning Pu and/or radioactive waste to customer country (A, B)

The comments made previously for this type in the case of enrichment are also valid here.

Type II: Conversion of existing national facilities to multinational ones

196. Converting a national facility to international ownership and management would involve the creation of a new international entity that would operate as a new competitor in the reprocessing market. Thus a number of the suggestions in the table below simply address the pros and cons of an international entity in such a situation, largely independent of reprocessing. Other items deal with the fact that, of the existing facilities, all except the two Japanese facilities are in NWS or non-NPT States. In many of those cases, safeguards will have to be introduced if they had not been applied before.

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[*] A: Non-proliferation - B: Assurance of supply - C: Siting - D: Access to technology - E: Multilateral involvement – F: Special safeguards provision – G: Non-nuclear inducements

Pros*	**Cons**
1. No new plants required (A)	*1. New safeguards practices would have to be 'back-fitted' to facilities in non-NPT States or NWS (A, B, C, E, F)*
2. Strengthening of proliferation resistance through international management and operating teams (A, E)	*2. Existing property rights must be taken into account (B, E)*
3. Pooling of international expertise and resources (B, D, E)	*3. Difficulties of international management as experienced by Eurochemic, especially with the unique burden of providing assurances of supply (B)*
	4. Potential proliferation risks due to international diffusion of reprocessing know-how (A, C, D, E)
	5. Several conversions would likely be needed in sufficiently politically diverse countries to provide needed assurances (B)
	6. Issue of returning Pu and/or radioactive waste to customer country (A, B)
	7. Possible increase in transportation requirements (A)

__Type III__: Construction of new joint facilities

197. The one historical precedent for the construction of a new multinational reprocessing facility is Eurochemic. New joint construction was also the focus of the IAEA's 1975-1977 Regional Nuclear Fuel Cycle Centres. Most of the suggested pros and cons below come from the Eurochemic experience and the RFCC study. The new facility considered here would have the added burden of providing needed assurances of supply while successfully competing against reprocessing facilities without that burden. Therefore, a prerequisite for the construction of new facilities is the demand for additional reprocessing and MOX production.

198. It is presupposed that in the future a reprocessing plant and a MOX fabrication plant would be built next to each other. In such a case, only MOX fuel and not separated Pu will be subject to transportation.

Pros*	**Cons**
1. Fewer bigger reprocessing centres mean fewer sites to safeguard and fewer opportunities for diversion, theft and loss (A, B, F)	*1. Several such facilities would likely be needed in sufficiently politically diverse countries to provide needed assurances (B)*
2. Strengthening of proliferation resistance through international management and operating teams (A, E, F)	*2. Difficulties of international management as experienced by Eurochemic, especially with the unique burden of providing assurances of supply (B, E)*
3. Pooling of international expertise and resources (B, E)	*3. Potential proliferation risks due to international diffusion of reprocessing know-how (A, C, D)*

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* A: Non-proliferation - B: Assurance of supply - C: Siting - D: Access to technology - E: Multilateral involvement - F: Special safeguards provision - G: Non-nuclear inducements

4. Economies of scale (B)	*4. Issue of returning Pu and/or radioactive waste to customer country (A, B)*
5. Fewer bigger reprocessing centres mean fewer environmental impacts, safety risks and health risks (A, B, E)	*5. Breakout scenario and retention of fissile materials (A, C, D)*
	6. Possible increase in transportation requirements (A)

199. The comments made previously for this type – in the case of enrichment – are also valid here.

5.4 - Spent fuel repositories (final disposal)

200. Once nuclear fuel has been used in a nuclear power plant to produce electricity, the fuel has been "spent" and awaits further treatment, either towards a reprocessing facility to recover from the wastes the uranium and plutonium that it contains, or in an intermediate storage building or in a "final repository" for a terminal solution. Most of the spent fuel around the world is now kept in the nuclear plants themselves, where it comes from. Depending on the route selected, a final repository may thus receive unprocessed fuel assemblies (spent fuel), or plain wastes, or both. Are such special facilities candidates for multilateral approaches? Besides the expected economic benefits of multinational repositories, there is a reason to look at them in terms of non-proliferation in the case of spent fuel, because the potential risk associated with the contained plutonium, plutonium whose accessibility increases with time due to the radiological decay of the associated fission products.

Technologies

201. A repository is an underground installation for the disposal of nuclear material, such as spent fuel, usually located several hundred metres below ground level in a stable geological formation that ensures long term isolation of radionuclides from the biosphere. In the operating phase, the repository will include a reception area, which may be above or below ground, as well as container handling and emplacement areas underground. After the final closure, the backfilling of all emplacement areas in the repository will have been completed and all surface activities ceased.

202. The technology of spent fuel disposal has been well developed over the years, notably in Scandinavia, where the fuel assemblies are embedded in a solid container (such as copper) before burial. There is thus no concern that multinational final disposal would be less safe or less environmentally acceptable than national solutions.

Historical background

203. Although international centres concentrating all nuclear fuel cycle activities in a limited number of countries were proposed very early in the development of nuclear power, the first study on "multinational repositories" for radioactive waste and spent fuel was performed by OECD-NEA in 1987. No such repository has ever been realised, with the possible "exception" of the NEA-led disposal in deep-oceanic sites of low-level wastes in the seventies. Nevertheless, nuclear materials have been transferred to other countries for disposal and precedents for international disposal exist in the related area of toxic chemical wastes, with the agreed mutual exchange of waste across boundaries for optimal recycling and final disposal.

204. The transboundary movements of such waste are regulated by the Basle Convention. The "*Basle Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal*" entered into force in 1992. The Convention is the response of 162 countries to the problems caused by the annual world-wide production of 400 million tonnes of wastes, which are hazardous to people or the environment because they are toxic, poisonous, explosive, corrosive, flammable, eco-toxic, or infectious. The common goal is the reduction of special wastes through avoidance and recycling, and the environmentally tolerable and largely clustered disposal of wastes. This global environmental treaty strictly regulates the transboundary movements of hazardous wastes and places obligations on its Parties to ensure that such wastes are managed and disposed of in an environmentally sound manner. In order to achieve these principles, the Convention controls, to some extent, the transboundary movement of hazardous wastes, monitors it, provides assistance for the environmentally sound management of hazardous wastes, promotes cooperation between Parties in this field, and develops technical guidelines for the management of hazardous wastes.

205. Article Eleven of the Basle Convention is entitled "**Bilateral, Multilateral and Regional Agreements**": *1. ... Parties may enter into bilateral, multilateral, or regional agreements or arrangements regarding transboundary movement of hazardous wastes or other wastes with Parties or non-Parties, provided that such agreements or arrangements do not derogate from the environmentally sound management of hazardous wastes and other wastes as required by this Convention...*"

206. In fact, many countries continue to depend on facilities beyond their own border for recycling certain special wastes (e.g. for metal wastes) and for the disposal of various types of toxic wastes. The export is only permitted if national and international regulations are kept and the environmentally tolerable treatment of the wastes can be assured.

207. The OECD countries and the European Union have gone beyond the obligations of the Convention by agreeing to ban export to non-OECD countries of hazardous wastes intended for final disposal. This commitment has helped in securing the support of non-governmental organisations, which were keen to stop the uncontrolled dumping of wastes on the shores of developing countries.

208. Under the Convention, transboundary movements are an accepted practice: 5-10% of the total waste is involved, with about 50% going to final disposal. The five largest exporters are Germany, Canada, the Netherlands, Switzerland and the USA. The last of these has signed, but not ratified the Convention. All these States, and others, import waste as well. This results in a better optimisation of final disposal of various kinds of toxic wastes.

209. The Convention on toxic wastes and its implementation is indeed a model for multilateral arrangements, a model that brings maximum benefits in terms of economics and environmental protection.

210. By contrast, the "Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management" of 1997 is more cautious on multilateral exchanges, but is still encouraging on this matter through a clause in the Preamble: *"xi) Convinced that radioactive waste should, as far as is compatible with the safety of the management of such material, be disposed of in the State in which it was generated, whilst recognising that, in certain circumstances, safe and efficient management of spent fuel and radioactive waste might be fostered through agreements among Contracting Parties to use facilities in one of them for the benefit of the other Parties, particularly where waste originates from joint projects;"*

Current status

211. No shared multinational repository exists currently. However, a number of initiatives pursue the idea[25]:

a) The Arius Association brings together organisations from various countries (Belgium, Bulgaria, Hungary, Italy, Netherlands, Slovenia and Latvia), whose main objective is to explore ways of making provision for shared storage and disposal facilities for smaller users, who may not wish to - or may not have the resources to - develop facilities of their own. The SAPIERR project is a regional feasibility study supported by the European Commission; SAPIERR stands for "*Support Action: Pilot Initiative on European Regional Repositories*" and is a project within the sixth EC Framework Programme. The Ljubljana Initiative is a group of seven contiguous countries in Central Europe, Austria, Bulgaria, Croatia, the Czech Republic, Hungary, Slovakia and Slovenia. The participants want to assess the potential safety, security and economic advantages of shared solutions.

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[25] MCCOMBIE, C. et al; " Nuclear Fuel Cycle Centres - an Old and New Idea", World Nuclear Association, Annual Symposium 2004.

b) The Russian Federation has become increasingly serious about spent fuel import and is the only country publicly supporting this at government level. The government is preparing international arrangements for the import and storage of spent fuel. For the time being, the offer does not include the final disposal of spent fuel. In July 2005, the Russian Federation will be holding an international conference in Moscow for Multilateral Technical and Organisational Approaches to the Nuclear Fuel Cycle aimed at strengthening the nuclear non-proliferation regime.

c) The IAEA has continued to work on the topic with dedicated working groups, and has published a substantial document on the issue in October 2004 (TECDOC-1413; "*Developing multinational radioactive waste repositories: Infrastructural framework and scenarios of cooperation*")

212. At the national level, several countries have moved towards the realisation of final repositories for high level waste, notably Finland, Sweden and the USA. In many countries, there are both political sensitivities and legal, including in some cases constitutional, barriers associated with the potential import of waste, a concern which would complicate this aspect of MNAs.

213. Yet, the experiences gained in regard to toxic wastes in the OECD/EU countries are reassuring. They address several of the concerns that some within and without the nuclear community have raised against shared nuclear repositories. Specifically, no State party to the Basle Convention is obliged to accept wastes from others. All exchanges, even for disposal, are voluntary and based on freely-entered-into bi- or multilateral agreements subject to international oversight. As noted previously, there is even a joint commitment of OECD/EU countries to keep all wastes for themselves.

Economics

214. Multinational repositories offer numerous economic benefits for both the host and the partner countries with small nuclear programmes. Sharing a facility with a few partners can significantly reduce a host country's expenditures. Of course, since the host country will bear the burden of permanently housing the repository, (and since some partners may be saving the costs of establishing their own centralised facility), the host country must negotiate an equitable contribution from its partners towards the total development costs of the project. Partner countries should agree to pay the host country not only some or all of the costs of development, but also a fee on the operation of the site. Therefore, multinational agreement will spread the full burden of development costs among several partners, thereby significantly reducing these costs for individual members. In most countries, a fee is levied on each nuclear kilowatt-hours (kWh) produced, prior to construction of disposal facilities.

215. The economics of spent fuel disposal are very difficult to understand. Many figures reflect the decade-long delay in coming up with technical and political solutions. The following cost estimates are based on calculations made by the Finnish waste management company Posiva as a basis for financial liability for spent fuel management in Finland. They are based on a favourable socio-economic framework and with a significant amount of R&D already done at home or elsewhere:

Site and facility specific research, development and design costs:	*around 200 M€*
Fixed costs: (construction of the encapsulation facility and the disposal facility excluding disposal tunnels, decommissioning and closure of the facilities)	*about 250 M€*
Variable costs (waste canisters, operation of the encapsulation facility, construction of disposal tunnels, operation of the disposal facility), per tonne of uranium (tU)	*about 0.24 M€/tU*

216. If site and facility-specific R&D is included into fixed costs, the following cost formula gives a first-order approximation:

Cost = 450 M€ + 0.24 M€ x spent fuel amount

217. The unit costs for various amounts of spent fuel to be disposed of would be as follows:

Amount of spent fuel (tU)	*10002000400060008000*
Unit costs (M€/tU)	*0.69 0.47 0.35 0.32 0.30*

218. When the total spent fuel amounts approaches 10000 tU, additional investments are probably needed, e.g. parallel encapsulation process units, new access routes to and in the repository, thus the unit cost will probably not be lower than 0.30 M€/tU. For comparison, the volume of fuel to be disposed of amounts to about 2500 tU in Finland, 10000 in Sweden and 100000 in the United States.

219. As noted, the above cost figures reflect favourable conditions and thus somewhat optimistic scenarios. In countries such as Germany, Sweden, Switzerland and the USA, the real costs are much higher due to technical difficulties, political controversies, and programmatic delays extending over several decades.

220. Advance cash payments, or cost sharing, over a long time period will be needed, from site selection activities to site construction, operation and post-closure monitoring and maintenance. Long-lasting financial arrangements are thus unavoidable, and these can be made in several forms among which could be guarantees as to the amount and time at which certain waste streams would be available, or agreements as to the fees that could be charged for such waste. These could be ultimately paid by the waste generators who would use the multinational repository.

221. Liability is closely related to cost. Several factors can lead to cost increases beyond the estimates, and these have to be properly identified and evaluated (e.g. usual contingencies, changing safety requirements, actual experience, advanced state-of-the-art, unforeseen events, etc.) To deal with liability, two typical examples can be envisaged. In the first case, at the time of receiving the waste, the host country may take all responsibilities or liabilities for any possible future remediation. In the second, the host country and partner countries may conclude an agreement by which the partners accept a partly open-ended situation and assume liability for improbable but not impossible future events which might require remediation. Choosing between the two approaches (or any intermediary approach) may depend on institutional factors, half-lives of the predominant radionuclides, practical experience from other international joint ventures, etc.

Assurance of services

222. "Assurance of services", in this context, refers to "assurance of final disposal" of one's fuel. A State (for political reasons) and its nuclear plant operators (for operational reasons) must be assured that the spent fuel (or the high level wastes coming back from reprocessing) will indeed be disposed of nationally or internationally, in due time. For a multinational repository or a take-back agreement, this implies a solid, long-lasting relationship between the parties and an efficient legal framework in the disposal country.

223. The partners involved would need to agree about the timing of the transfer of waste ownership to the recipient country and on the scope of such property transfer. Transfer could occur at the time when the waste is inspected in the partner's conditioning facilities before transportation, or when the conditioned wastes enter the host country at the national border, or upon receipt in the repository of the host country. It is conceivable that the transfer could occur at a later stage after which any new and additional costs are extremely unlikely to occur.

224. Transfer of ownership of spent fuel may be complicated, since spent fuel can also be considered as a resource rather than a waste. If spent fuel is held for interim 7cooling period of 30 to 50 years, the date of ownership transfer can be delayed.

Legal and institutional

225. Current and future inventories of all types of waste materials for disposal must be established before serious consideration can be given to establishing a multinational repository. Also, there should be an agreement between the host country and its partners as to waste acceptance criteria, locations of facilities for waste conditioning and interim storage (i.e. at each partner country or at centralised facilities installed on the site of the multinational repository), and quality assurance and control of waste packages to be disposed of. The legal and institutional problems to be resolved are not trivial.

226. States with few nuclear plants would be the most interested in making use of international instruments. Multilateral disposal arrangements imply a willingness to open borders. For States with legislation restricting the export and import of radioactive waste, such legislation will have to be amended, if they wish to join a multinational repository project. The case of Switzerland is of interest here: the new nuclear law that entered into force in February 2005 leaves the door open to both export and import of spent fuel and nuclear waste for final disposal, albeit *both* subject to a right of return to the sender "in case of necessity".

227. All considerations about cost sharing, liability, safety regulations, etc. are closely linked to the institutional character of the project, which involves national and multinational relations among regulatory and licensing bodies, as well as with contractual partners. Management of shared repositories could be entrusted to commercial firms, to the host State, or to a consortium of States. At any rate, there should be a clear international framework with agreed guidelines and rules to satisfy the requirements of the partners sending in fuel and IAEA safety standards.

228. A repository is a long-term management project. It has a lead time of 20 years or more, an operational period of several decades and a post-closure surveillance and monitoring period that may extend over centuries. Thus it should be run under an international convention or agreement. This underlines once again the importance of continuity, not only from a political and contractual perspective, but also from a technical and cost sharing point of view. Given the impossibility of predicting how these aspects will evolve over very long time periods, flexibility will be essential.

229. As far as safety regulations for an international repository are concerned, the countries involved should arrive at a common understanding on the licensing and control mechanisms to be applied. There are also legal international instruments that could be used as existing international conventions, e.g. the "*Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management*", under which they could regulate their partnership.

Non-proliferation and security

230. Today more than ever, the security of nuclear materials must remain a high priority at all levels – whether national, regional, or international – at the front end and back end of the fuel cycle. The plutonium contained in spent fuel is indeed a material of interest for the making of nuclear explosive devices, albeit to a different degree, depending on the time spent by the fuel in a reactor.

231. The safeguarding of nuclear materials must be undertaken through the entire nuclear fuel cycle, up to the stage where the materials can be considered to be *practically irrecoverable* (e.g. currently, less than 2.5 kilograms of plutonium per cubic metre of vitrified high level waste). Otherwise, in particular for spent fuel, where the content is higher than the threshold noted above, safeguards must be continued even after the closure of a repository.

232. Over the last decade, the IAEA's Department of Safeguards has worked towards defining a safeguards policy on nuclear waste and spent fuel. Several Advisory Group and Consultants meetings were held, and an ambitious "Programme for Development of Safeguards for the Final Disposal of Spent Fuel in Geologic Repositories (SAGOR)" was started in 1994 and finalised in 1998.

233. With respect to nuclear waste, according to SAGOR, the criteria for making determinations of 'practicably irrecoverable' should include waste material type, nuclear material composition, chemical and physical form, and waste quality (e.g. the presence or absence of fission products). The total quantity, facility specific technical parameters and the intended method of eventual disposal should also be considered. The main concern from the waste management standpoint is that any intended safeguards measures should not impair the safety of the waste management system. Another consideration is related to the additional costs associated with the need to implement safeguards measures. The Advisory Groups and Consultants concluded that spent fuel does not qualify as being practically irrecoverable at any point prior to, or following, placement in a geological formation commonly described as a 'permanent repository', and that safeguards on spent fuel should not be terminated.

234. As far as spent fuel is concerned, various safeguards methods and techniques have been proposed for application at a spent fuel conditioning facility. None of the proposed techniques are likely to cause significant problems from the safety point of view. No destructive verification techniques are foreseen.

235. For closed geological repositories, the safeguards approach must provide a credible assurance that an undeclared breaching of the integrity of a repository will be detected. The repository should be safeguarded by a non-intrusive surveillance mechanism that would allow the repository site to be checked periodically, e.g. unannounced inspections, possibly with geophysical equipment, satellite or aerial monitoring and seismic monitoring with remote data transmission.

236. According to the IAEA Department of Safeguards, safeguards approaches for the final disposal of spent fuel repositories will be available in sufficient time to be included in the design for future MNA repositories.

Options for final repositories of spent fuel

237. Defining options for potential multilateral approaches for the back end of the fuel cycle is relatively complex, since there is a dotted line between storage and disposal. As a first priority, the owners of nuclear plants want to off-load spent fuel as early as possible in order not to congest their own spent fuel storage ponds. "Assurance of Service", in this context, refers to "getting rid of" the spent fuel. Further down the line, for countries with inadequate domestic energy resources (such as France, India, Japan, Pakistan and Switzerland), keeping a hand on spent fuel and reprocessed plutonium is important, since this material is seen as an energy resource to be recovered immediately or possibly later after many years of interim storage. For other States not interested in plutonium recovery, storage is only an intermediate step on the way to disposal in geological repositories. There is thus some ambiguity for storage with regard to its duration, its nature and whether it is a precursor of reprocessing or of disposal. This ambiguity even extends to disposal in geological repositories, as indicated by technical specialists references to the oxymoron: "reversible and retrievable final disposal".

238. Thus, depending on the State, time period and conditions of the uranium market (which affects the commercial value of plutonium), assurance of service for spent fuel may take different forms: a) availability of interim storage, b) availability of reprocessing services in the medium or long term and c) outlook for final repositories whether retrievable or not. The first two forms are treated in separate sections of this report. In the present section, the prime interest is on multilateral, shared final repositories for spent fuel, and on the assurance of services for nuclear power plants operators to dispose of the spent fuel produced in their facilities. Three types of multilateral approaches deserve consideration.

***Type I*: Assurances of services not involving ownership of facilities**

a. Suppliers provide additional assurances of supply

239. This option corresponds more or less to the former practice of the Soviet Union under which fresh fuel was supplied to the owners-operators of Soviet-designed plants with a full commitment to take back the spent fuel that was thereby returning to Soviet ownership, with an indefinite status for the fuel itself. The Russian Federation is ready to honour this commitment insofar as reprocessing and storage are concerned. There is now a similar arrangement being negotiated between Iran and the Russian Federation. Incidentally, nothing would prevent other nuclear fuel companies to offer on a commercial basis "fuel leasing-fuel take back" arrangements. In addition to fuel take-back, one could also envisage just *take*, i.e. the host country for the repository does not have be the one that supplied the original fuel. At present, while fuel leasing is relatively straightforward, fuel take-back, while more controversial, is more relevant from a non-proliferation standpoint.

Pros[*]	**Cons**
1. No remaining security risk in client State (A)	*1. Concern that recipient State could acquire valuable weapon-quality plutonium (A)*
2. Ease of implementation, few participants (B)	*2. Assurance of service depends on one partner (B)*
3. Secured, final solution to waste disposal (B)	*3. Issues surrounding long-term ownership of Pu (B)*
	4. Legal barriers in many States against accepting foreign spent fuel (B)

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[*] A: Non-proliferation - B: Assurance of supply - C: Siting - D: Access to technology - E: Multilateral involvement - F: Special safeguards provisions - G: Non-nuclear inducements

240. A form of partial "fuel leasing-fuel take back" is also conceivable, under which the donor State would accept to take back an amount of vitrified (or otherwise appropriately conditioned) high level wastes corresponding to the quantity and toxicity of the fission products contained in the spent fuel.

b. International consortia of governments

241. This model would be a collective "**fuel leasing-fuel take back**" arrangement involving several nuclear fuel companies together with their governments (fuel take-back would have a political dimension). They would hold the material received, take ownership, store it temporarily or definitively, or even reprocess it. The contractual arrangements would specify, on a case-by-case basis, whether the lessee would be entitled to purchase back the equivalent amount of **mixed-oxide fuel** that it had transferred previously in the form of spent fuel, even when such arrangements would primarily meant to cover final disposal.

242. Partial "fuel leasing-fuel take back" could also work here.

Pros	Cons
1. No security risk in lessee State after return of fuel (A)	*1. More difficult implementation, involving several participants (A, B)*
2. Rapid to implement after political decision (B)	*2. Political will of several recipients needed (B)*
	3. Changing political conditions over long term could alter commitments (E)
	4. Existing property rights must be taken into account (B, E)
	5. Legal barriers in many States against accepting foreign spent fuel (B)
	6. Issues surrounding long-term ownership of Pu (B)

c. IAEA-related arrangements

243. The IAEA has been entrusted with the NPT-related obligations to safeguards and thereby to keep track of the spent fuel in final repositories. There is unlikely to be any additional role for the Agency in any bilateral or multilateral arrangements. While the IAEA could possibly be in a position to "give" (for example managing a fresh fuel bank), its Members-States would probably be unwilling to allow it to "receive" spent fuel in specific final disposal facilities, with all the costs and risks that this would imply, except maybe in an oversight function thereby providing better acceptance.

***Type II*: Conversion of existing national facilities to multinational ones**

244. In this case, the host country would add imported wastes from partner countries to its national inventory and disposal scope. It could do so after its national facility is seen to be operating safely. The anticipated income would allow the construction of modern repositories with good security and environmental characteristics. Furthermore, one could even envisage regional arrangements involving not only spent fuel and radioactive wastes, but also chemical toxic wastes.

245. Many political and public acceptance issues will arise in connection with the import of nuclear materials to an existing repository. Successful implementation of disposal programmes on the national level, good transparency of the international dimension of the project – broad adherence to international instruments such as the NPT and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management – could significantly contribute to the acceptance of such an international repository project. The countries sending their nuclear materials will certainly require guarantees of good safety and environmental management through some kind of international oversight, i.e. through the IAEA.

Pros[*]	**Cons**
1 Reduce proliferation risks (A)	*1. Political and public acceptance (B)*
2. Energy resource (Pu) secured and available (B)	*2. Uncertainty about consent rights, as to retrievability and transfer (B)*
3. Best economics for all partners(B)	*3. Assurance of service depends on only one partner (B)*
4. Existing secure and safe facility in host country (A)	*4. Possibility of retrieval (A)*
	5. Changing political conditions over long term could alter commitments (B, E)
	6. Existing property rights must be taken into account (B, E)
	7. Legal barriers in many States against accepting foreign spent fuel (B)
	8. Increased transportation requirements (A)

***Type III:* Construction of new joint facilities**

246. The launching of a project of multinational repository would begin with solid technical evaluations of waste characterisation, conditioning and transportation. Analyses would need to be carried out related to the inventories, cost/benefit, safety and legal issues. The identification of suitable repository sites is of paramount importance, since the specific safety, environmental and political aspects associated with the proposed sites will effectively determine the fate of such an international project. No effort should be spared to establish a strong technical and scientific basis for choosing the most suitable location in terms of safety and environmental impact. Among the factors that will play a role in choosing the host State are: political willingness; geologic stability; good regulatory infrastructure; political stability; non-proliferation credentials; and the agreement of consent rights and trans-shipment States.

247. Public acceptance is already of crucial importance for setting up national repositories; it will even be of greater importance for multinational repository projects with nuclear waste and spent fuel coming from several countries. Slogans such as "Dumping ground of the world...", "Not in my backyard..." would most likely come up as soon as an international project of this kind was mentioned. High safety standards and cost transparency are thus essential for obtaining public acceptance for a multinational repository project.

248. To overcome the so-called NIMBY syndrome on an international scale, there should be more than one international repository, perhaps even more than one per continent. Host countries would certainly prefer not to be the sole site. Several regional repositories would minimise transport, and customer countries would have some degree of flexibility. One could imagine, worldwide, two North American repositories, one in South America, two in Western/Central Europe, one each in Russia, in Africa, in South Asia, in China and in South-East Asia.

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[*] A: Non-proliferation - B: Assurance of supply - C: Siting - D: Access to technology - E: Multilateral involvement - F: Special safeguards provisions - G: Non-nuclear inducements

249. The burden would lie first of all on the shoulders of the host country and its government. There are several steps that the host government, the participating countries and the international community could take to help gain the required public acceptance:

a) The number and nature of the participating countries would play a role in public acceptance in the host country: not too many, not too few. Strong political support of the partner countries is an absolute prerequisite for achieving public acceptance;

b) While the participation of solid industrial partners would be necessary to ensure the technical viability and economic soundness, the involvement of governments and other public entities is needed to strengthen public acceptance with an assurance of long-term continuity;

c) For spent fuel disposal, the non-proliferation dimension of the repository can be emphasised in the justification and presentation of an international repository. The host country would thereby provide a safe central shelter for the plutonium contained in the spent fuel, rather than leaving it scattered in numerous facilities around the region;

d) For "retrievable spent fuel disposal", the host country would thereby provide temporary storage for a valuable resource - the plutonium - which is a large potential source of energy for future use, should the participants need it in the future. Depending on the ownership agreement between the participating countries, the host country could thus acquire a potentially exportable commodity.

Pros[*]	**Cons**
1. Economies of scale (B)	*1. Difficult implementation, with several participants (A, B, E)*
2. Solution for countries with unsuited geology (B)	*2. Difficulty of national public acceptance (B, C)*
3. Combining rather than duplicating efforts (A, B, E)	*3. Increased transportation requirements (A, B)*
4. Solution for countries with political acceptance problems (B)	*4. "Not in my backyard" on international scale (B)*
5. Better security in one location (A)	*5. Changing political conditions over long term could alter commitments (B, E)*
6. Possibility of retrieval for future energy needs (B)	*6. Proliferation risks with the possibility of retrieval (A)*
7. Energy resource (Pu) secured and available (B)	*7. Legal barriers in many States against accepting foreign spent fuel (B)*

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[*] A: Non-proliferation - B: Assurance of supply - C: Siting - D: Access to technology - E: Multilateral involvement - F: Special safeguards provisions - G: Non-nuclear inducements

5.5 - Spent fuel storage (intermediate)

250. The following section discusses spent fuel storage and whether this part of the fuel cycle is a candidate for multilateral arrangements. Without making specific reference to the front end, most of the findings can be applied there mutatis mutandis.

Technologies

251. At the back end of the fuel cycle, spent fuel containing plutonium is frequently stored for long periods of time while awaiting reprocessing or final disposal. At the front end, prior to use in nuclear power plants, fresh fuel is stored on site, be it as plain uranium oxide fuel (UO_2) or as mixed oxide fuel (UO_2 and PuO_2); such fuels represent limited proliferation risks in small quantities inside nuclear plants, more when in longer interim storage as fresh fuel buffer stocks elsewhere.

252. The technology of nuclear material storage has been fully developed over the last decades, and this experience will be directly applicable to multinational arrangements. The relevant technical issues are: safety; physical protection; safeguards; fuel acceptance criteria; long-term stability; siting; storage technology (wet or dry); licensing; facility operation; transport; and decommissioning.

Historical background

253. The concept of an extra-national trusteeship of special nuclear materials is enshrined in the Statute of the IAEA. Although evaluated at length by an international Expert Group around 1980 (in parallel with the International Plutonium Storage evaluation referred to in the historical review), the concept of "International Spent Fuel Storage" never became reality. A study of multinational storage facilities for spent fuel was initiated by the IAEA in 1997.

Current status

254. Today about 165 000 tonnes heavy metal equivalent (tHM) of irradiated fuel (spent fuel) from nuclear power reactors are stored world-wide. By the year 2015, the mass of stored spent fuel will rise to about 280 000 tHM. More than 62 000 fuel assemblies from research reactors also are stored worldwide.

255. No shared multinational storage facilities exist currently. Storage of spent fuel will cover longer periods of time than originally expected, and storage up to 100 years is being discussed now.

256. The IAEA continues to work on the concept for regional spent fuel storage. The objective and scope is similar to that on disposal repositories. A substantial Technical Document is in preparation ("*Technical, economical and institutional aspects of regional spent fuel storage facilities*"). IAEA staff have presented to the MNA Expert Group preliminary findings of the study, which will be a very valuable contribution for the assessment of such multinational arrangements.

257. The adjacent figure – from the IAEA Technical Document - shows the possible paths of nuclear materials around a regional store, and the interfaces with disposal and reprocessing.

258. Most countries with power reactors are developing their own national strategy for spent fuel management, including interim storage. However, several countries with small nuclear power programmes, or only research reactors, face the issues of extended interim storage of their spent nuclear fuel. The high cost for interim storage facilities for small amounts of spent fuel accumulated in such countries is obviously not reasonable and therefore, from an economic point of view, access to a regional interim storage facility provided by a third country for their fuel would be an interesting solution.

259. The benefits and challenges of multinational storage are quite comparable to those of multinational disposal. Long term conditions and legal issues applicable to final repositories may not apply in this case or may be of a lesser impact. Greater benefits in the case of storage may favourably impact the acceptability of regional storage projects, i.e. hundreds of storage facilities are in operation worldwide, the time scale for storage is shorter and storage is by definition fully reversible. Hence, political and public acceptance is more likely.

Economics

260. In the future, there may be regional and national bottlenecks, with shortages anticipated in several countries. The costs and the obstacles associated with fuel transportation would preclude a smooth matching of demand and capacity on a worldwide basis.

261. Multinational stores could offer significant economic benefits to both the host and the partner States. Sharing a facility with a few partners can significantly reduce costs in the case of wet storage, less for dry storage, which is more modular in nature.

262. Potential service providers include:

a) States willing to take advantage of a business opportunity or for other interests (i.e. non-proliferation);
b) States with advanced nuclear waste management programmes, that are willing to accept additional spent fuel for storage;
c) States which have existing reprocessing facilities with available or readily expandable reserve storage capacity; and
d) States with small or extensive nuclear programmes that have favourable sites that could be developed for use by other countries.

263. Potential customers include:

a) States with small nuclear programmes that cannot realistically develop economically effective comprehensive back end facilities; and
b) States with large or small nuclear programmes that may see an attractive economic or political advantage in using a regional storage solution.

264. Cost sharing will extend over long time. Long-lasting financial arrangements are thus unavoidable, and these can be made in several forms among which could be guarantees as to the storage duration.

Assurance of services

265. "Assurance of service", in this context, refers to the "assured storage" of one's fuel. For operational reasons, nuclear plant operators must be assured that the spent fuel discharged from their reactors will have somewhere to go, once the on-site stores have been filled up. Intermediate storage – pending disposal to reprocessing or to a repository – must therefore be prepared either nationally or internationally.

Legal and institutional

266. A regional approach to the storage of spent fuel would require the involvement of a variety of relevant institutions, including national, multilateral, supranational (i.e. EU) and international entities. On an international level, institutions like IAEA, OECD/NEA, EURATOM, etc. could be involved. On a national level, governmental and regulatory bodies, local authorities, oversight bodies as well as spent fuel producers and facility operators will take part in the process.

267. Multilateral storage arrangements imply a willingness to work together. Since storage may extend over decades, the facility must be run under an international convention or agreement. The political stability of the host and the partners is again a vital element. This underlines once again the importance of the continuity factor, not only from a political and contractual perspective, but also from a technical and cost sharing point of view. Management of a shared store could be entrusted either to commercial firms, to the host State, to a consortium of States. At any rate, there should be a clear international framework, with agreed guidelines and rules.

268. Another challenging issue for multinational facilities has to do with the ownership of spent fuel and transfer of title. Because such projects are long-term and the final destination of spent fuel may not have been decided, three options regarding the ownership of spent fuel stored in such a facility need to be considered:

a) Ownership of fuel remains with the providing customer; after the storage period expires, the fuel (or reprocessing products if appropriate) is returned to the owner;

b) Transfer of ownership to the host country is delayed and can take place at some later time, depending on contractual arrangements; and

c) Ownership of fuel is immediately transferred to the host country; no return of fuel (or reprocessing products, if appropriate) is foreseen.

269. In the first option, the agreement to take back the spent fuel in a distant future may be a risk for both sides: on the customer's side, uncertain government policies may prevent the delivery and the payments for spent fuel, while on the host's side the delay in accepting fuel may cause negative economic and political reactions and thereby jeopardise the whole project. Because of the need for an agreement to receive spent fuel, the contract between the host and the customer States requires strong commitments on both sides. An international assurance that the agreements will be respected may be required, with a possible IAEA involvement.

270. The second option includes the possibility of the transfer of title at some future time, depending on possibilities in both the host and the customer countries. The risks associated with this option are similar as for the first one and some international assurance may also be required.

271. The third option avoids the problems of fuel take-back. This option may be the most attractive to the customers' countries. The host country takes the responsibility for storage and the final disposition of the spent fuel. However, some questions may arise when disposal routes are not yet available (after storage), as to the potential commercial value of the spent fuel as an "energy resource". These issues should be negotiated very carefully between the parties.

272. Liabilities are associated with the obligation of the spent fuel owner to ensure that the spent fuel is properly managed and finally disposed of in a safe and secure manner. Several factors can lead to cost increases and these have to be properly identified and evaluated, i.e. usual contingencies; changing safety requirements; actual experience; advanced state-of-the-art; unforeseen events, etc. These liabilities are an inherent cost of managing normal operations of a multinational storage facility. In addition, abnormal operations must be addressed through contracts in the context of national laws and applicable international treaties. Future liabilities of the host country of regional spent fuel storage facility are strongly related to the issue of spent fuel ownership.

Non-proliferation and security

273. The safeguarding of special nuclear materials is a well-established practice with clear criteria. Spent fuel stored in a multinational store in an NNWS, whether in a multinational or national store, will be subject to IAEA safeguards. Customer-States may also require that safeguards be applied in a multinational store located in an NWS.

274. If one focuses on security, it is of interest to note that storage facilities located above ground are more vulnerable to external risks than underground disposal facilities.

Options for multilateral spent fuel storage

275. A complex situation prevails at the back end of the fuel cycle where a dotted line runs between storage and disposal, as already noted at the same location in the chapter on repositories. There is thus an ambiguity for storage as well, regarding its duration, its nature and whether it is a precursor of reprocessing or of disposal.

276. Depending on the State, time period and reprocessing market (whether commercially attractive or not), assurance of service for spent fuel storage may take different forms. Three types of multilateral approaches are also under consideration here:

Type I: Assurances of services not involving ownership of facilities

a. Suppliers provide additional assurances of supply

277. There is a comparison with the front end of the fuel when fresh fuel is stored by the fuel supplier prior to shipment to their clients: the owners-operators of power plants. Such fresh fuel buffer can be expanded in volume to provide a buffer function. This arrangement could be mirrored at the back end; a commercial entity would commit to take-back and store the spent fuel until its fate is decided between reprocessing and disposal. This could also be seen as a buffer associated with the recyclable plutonium. The Russian Federation has committed to receive spent fuel from Russian-supplied reactors for storage. An extension of this proposal to non-Russian-supplied fuel is under consideration.

Pros[*]	Cons
1. Less security risk in client State (A, B)	*1. Concern that receiving State could take hold of valuable weapon-quality plutonium (A)*
2. Ease of implementation, few participants (B)	*2. Assurance depends upon one partner only (B)*
	3. Concern that fuel would not be taken back (B)

b. International consortium of governments

278. This model - a form of spent fuel bank - would involve additional suppliers and possibly their governments. Suppliers would hold the material received without keeping or taking ownership, and store it temporarily for an indefinite period of time, thereby creating a collective strategic fuel reserve, with some kind of government guarantees.

Pros	Cons
1. Reduced security risk in client State (A, B)	*1. Implementation with several participants (E)*
2. Assurance of service relies on several partners (B)	*2. Multinational, therefore political decisions needed (A, B, E)*
	3. Concern that the fuel would not be taken back (A, B)
	4. Existing property rights must be taken into account (B, E)

c. IAEA-related arrangements

279. The attempts to internationalise nuclear material management/storage goes back to Article XII A.5 of the IAEA Statute. From this paragraph came the concept of "International Plutonium Storage" that provided for the management of special fissionable materials by the Agency:

"... to require deposit with the Agency of any excess of any special fissionable materials recovered or produced as a by-product over what is needed for the above-stated uses in order to prevent stock-piling of these materials, provided that thereafter at the request of the member or members concerned special fissionable material so deposited with the Agency shall be returned promptly to the member or members concerned for use under the same provisions as stated above".

280. Although evaluated at length by two separate international expert groups between 1978 and 1982, the idea never materialised, for both separated plutonium and for spent fuel. States were not willing to forgo their control of valuable nuclear materials. Furthermore, the original non-proliferation concerns had by that time lost their momentum in comparison to 1957 as a consequence of the advance of safeguards under the NPT since 1970.

281. This idea could be revived under the name of "International Nuclear Materials Storage (INMS)". In the case of separated plutonium, the concept would primarily apply to the mixed-oxide fuel (MOX) that is returned and stored prior to use in nuclear power plants. In contrast to the reluctance of renouncing national sovereignty over *separated* plutonium, the international storage of *unseparated* plutonium (that is, of spent fuel) could generate more interest. Today, there is the possibility of greater political flexibility in the case of spent fuel, a resource that is less immediately valuable, more difficult to store and also less sensitive than separated plutonium in terms of proliferation.

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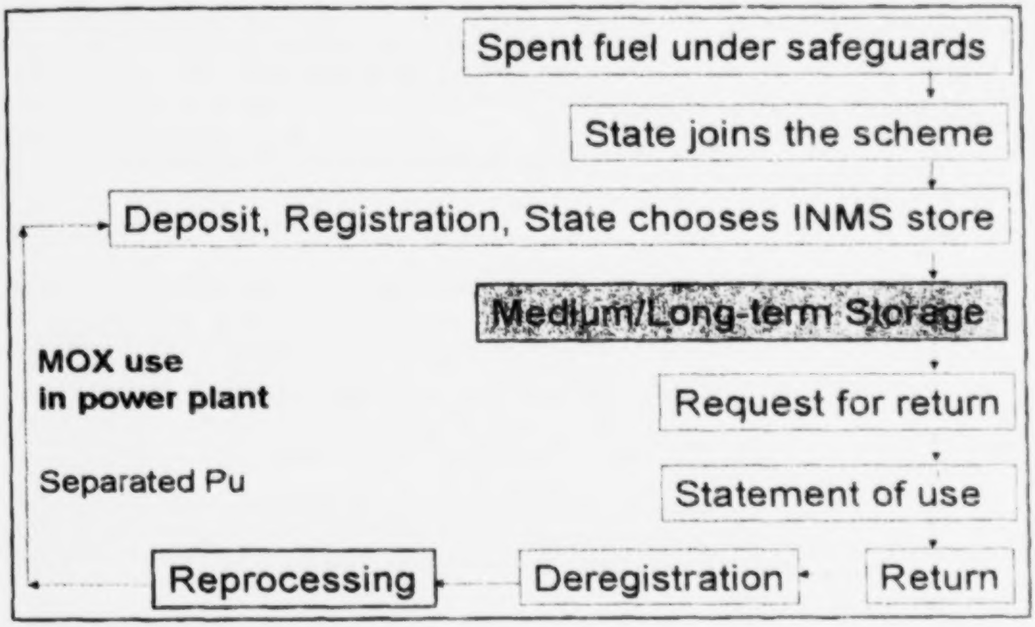
[*] A: Non-proliferation - B: Assurance of supply - C: Siting - D: Access to technology - E: Multilateral involvement - F: Special safeguards provisions - G: Non-nuclear inducements

282. On the basis of a model proposed in 1982, the flow of material in and out of IAEA trusteeship is illustrated in the adjacent diagram.


Spent fuel under safeguards
State joins the scheme
Deposit, Registration, State chooses INMS store
Medium/Long-term Storage
MOX use
in power plant
Request for return
Separated Pu
Statement of use
Reprocessing
Deregistration
Return

283. The following arrangements would apply to a participating country, whether an NNWS or not:

a) Coverage: all spent fuel and separated Pu therefrom - from peaceful use;
b) Return: upon request, authorisation to be granted for reprocessing and then peaceful uses, with all materials under safeguards and with no stockpiling;
c) Use verification: materials flows to be provided; to be verified (beyond safeguards requirements); and
d) Deregistration from the INMS: When safeguards status is modified, from INMS to owner's facilities.

284. Given the large and growing stockpiles of excess plutonium, some have advocated that the time has come for countries to place such material under the international custody of the IAEA pending subsequent peaceful use or disposition[26]. Placing the fuel under IAEA custody could facilitate the use of plutonium-using fuel cycles, help achieve non-proliferation objectives, avoid discrimination among States and interference with national energy programmes. Separated plutonium and spent fuel would be kept decentralised in a few locations, an arrangement that would minimise fuel transport.

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[26] BENGELSDORF, H.D., MCGOLDRICK, F., "International Custody of Excess Plutonium", Bulletin of the Atomic Scientists, March/April 2002.

Pros[*]	**Cons**
1. Potential economic advantage (B)	*1. Lack of political will to involve the IAEA (A,B, E)*
2. Good security and non-proliferation framework, under IAEA trusteeship (A)	*2. Complex legal and institutional setup (B, E)*
3. Strong assurance of service (take back, Pu return) (B)	*3. Demanding management task for the IAEA with financial implications (B,E)*
4. Reprocessing and disposal options remain possible (B)	*4. Risk of "breakout" remains (A)*
	5. Increased transportation requirements (A)

***Type II*: Conversion of existing national facilities to multinational ones**

285. In this case, the host country adds to its national inventory and storage capacity imported special nuclear materials from partner countries. Again, a similar option already exists (to a limited extent) with the current commercial practice of storing fresh fuel (uranium and mixed oxides) prior to shipment to the owners-operators of power plants. Such fuel buffer could be expanded in volume to provide a strategic-reserve function. One can envisage regional arrangements to create strategic reserves of fresh fuel, and joint buffer storage of spent fuel, prior to decisions regarding additional reprocessing capacity or final disposal capacity on a regional basis.

286. Economic incentives, the existence of minimum national storage programmes and good transparency of the international dimension of the project would significantly contribute to the acceptance of such international storage projects. There would likely be need for some kind of international oversight (i.e. IAEA).

Pros	**Cons**
1. Secure and safe facility in host country (A, E)	*1. Difficulty of political acceptance in host country (B, E)*
2. Energy resource (Pu) secured (B)	*2. Uncertainty regarding consent rights (B)*
3. Best economics for all partners (B)	*3. Assurance of service depends upon only one partner (B)*
4. Set up: easy and fast (B)	*4. Increased transportation requirements (A)*
	5. Existing property rights must be taken into account (B, E)

***Type III*: Construction of new joint facilities**

287. A new, shared storage facility can be established in a regional or multinational context. Among the factors that will play a role in choosing the host State are: political willingness; siting; good regulatory infrastructure; political stability; non-proliferation credentials; agreement of consent rights and trans-shipment States.

288. Political will would depend on understanding at the national level the advantages of joint regional buffer stocks. "Stronger together" would reflect a greater perception of assurances of supply and would lead to a better public acceptance of nuclear energy. High safety standards, reliable quality assurance, fair and transparent cost sharing would also be essential for obtaining political support for a multinational storage project. While the participation of solid industrial partners would be necessary to ensure the technical viability and economic soundness, the involvement of governments and other public entities is needed to strengthen public acceptance with an assurance of long-term continuity. For spent fuel storage, the non-proliferation advantages of the regional store should also be emphasised. The host country would thereby provide a safe central shelter for the plutonium contained in the fresh and spent fuel, better than leaving it scattered in numerous facilities around the region. For spent fuel storage, it can also be mentioned that the host country would thereby provide temporary storage for a valuable resource - the plutonium - which is a large potential source of energy for future use, should the participants need it later on in 30 or more years. Depending on the ownership agreement between the participating countries, the host country would thus acquire a potentially exportable commodity.

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[*] A: Non-proliferation - B: Assurance of supply - C: Siting - D: Access to technology - E: Multilateral involvement - F: Special safeguards provisions – G: Non-nuclear inducements

Pros[*]	**Cons**
1. Economies of scale (B)	*1. Difficult implementation, with several participants (A, B, E)*
2. Solution for countries with unsuited geology (B)	*2. National public acceptance (B)*
3. Combining rather than duplicating efforts (E)	*3. Increased transportation requirements (A, B)*
4. Solution for countries with political obstacles (B)	*4. "Not in my backyard" on international scale (B)*
5. Better security in one location (A)	*5. Possibility of fissile material retrieval in case of a breakout (A)*
6. Best assurance of service (take back, Pu return) (B)	*6. Possible increase in transportation requirements (A)*

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[*] A: Non-proliferation - B: Assurance of supply - C: Siting - D: Access to technology - E: Multilateral involvement - F: Special safeguards provisions - G: Non-nuclear inducements

5.6 - *Overview of options*

289. An MNA can be an alternative to national fuel cycle facilities, thereby reducing the number of such facilities. In addition to the possible attractive economic aspects discussed, the intergovernmental agreements envisaged for an MNA could enhance controls on the transfer and use of nuclear materials and restricted technologies, would provide for better physical protection in the facilities and could provide for their optimum siting.

290. To the extent that an MNA offers a greater assurance of adequate control over nuclear materials and facilities than would wholly national facilities, it helps to allay concerns about nuclear proliferation. A joint facility with multinational staff puts all participants under a greater degree of scrutiny from peers and partners, a fact that strengthens non-proliferation and security. This is the fundamental non-proliferation benefit of MNAs. An MNA may also constitute an obstacle to a "breakout" by the host partner. The multinational dimension of an MNA provides no fool-proof assurance against a breakout, but is better, in this regard, than a simple national facility. Naturally, an MNA would be established with the application of full IAEA safeguards.

291. A countervailing factor is the possibility that international cooperation facilitates the diffusion of enrichment and reprocessing expertise, thereby increasing the proliferation risks outlined in Chapter 5.1. From this perspective, for MNAs in general, it would seem that the Urenco model is only applicable when partners have already developed their own individual know-how, while the EURODIF model is better when most have not done so.

Uranium enrichment

292. A healthy market exists for all steps in the front end of the nuclear fuel cycle. In the course of only two years, a nuclear power plant operating in Finland has bought uranium originating from mines in seven different countries. Conversion has been done in three different countries. Enrichment services have been bought from three different companies. For fuel manufacturing, there were three qualified factories, each having different fuel design. Therefore, the legitimate objective of assurances of supply can be fulfilled to a large extent by market mechanisms and possibly improved by some governmental guarantees. However, this assessment may not be valid for all countries that have concerns about assurances of supply. Mechanisms or measures under which suppliers or international consortia of governments or IAEA-related arrangements provide assurances may, in such cases, be appropriate.

293. Further supply arrangements could involve the IAEA under modalities worthwhile exploring. Such IAEA-led models need not be elaborate. Indeed, of the options reviewed, one of the most feasible, least likely to be burdened by financial, legal and technical complications, requiring minimum new institutionalisation and likely to be the easiest to implement, could be that of the IAEA standing ready to be the guarantor of substitute fuel supply arrangements in accordance with agreed criteria in the event that a State had its nuclear fuel supply suspended for other than commercial reasons.

294. Where an MNA would take the form of a joint facility, there are two ready-made precedents, Urenco and EURODIF. The experience of Urenco, with its dual-layer management under the control of its governmental Joint Committee, has shown that the multinational concept can be made to work successfully. Strong oversight of technology and staffing, as well as effective safeguards and proper international division of expertise can reduce the risk of proliferation and even make a unilateral breakout more difficult. EURODIF has a successful multinational record as well, by enriching uranium only in one country and hence restricting all proliferation risks, diversion, clandestine parallel programme, breakout and the spread of technology.

Reprocessing

295. On the basis of present forecasts regarding nuclear energy, and taking into account present capacities to reprocess spent fuel for light water reactors and those under construction, there will be sufficient reprocessing capacity globally for all expected demands for at least two decades. Therefore, objectives of assurances of MOX supply can be fulfilled to a large extent without MNA involving ownerships.

296. The case of reprocessing is similar to enrichment in terms of the associated proliferation risks. However, there are differences between enrichment and reprocessing facilities:

a. A lesser sense of urgency to reprocess spent fuel, which will affect the economic feasibility and timing of constructing new reprocessing plants.

b. Whereas the common practice of returning the reprocessing products to the customer poses a proliferation risk, MNA's will not pose greater risks than the current situation. However, if the reprocessed products will be retained by the host country, the proliferation risks may be higher, depending on the siting of the MNA.

c. Reprocessing technology is more readily available than enrichment technology, and therefore proliferation risks must also be handled at the previous stage of the fuel cycle – safeguarding spent fuel removed from reactor cores. In this respect, it is worth noting that an MNA, which leases nuclear fuel and takes back the spent fuel, avoids most proliferation risks, but requires the fuel vendor to take care of the spent fuel disposition.

297. In the context of reprocessing, the IAEA could possibly exercise the authority granted in its Statute to require deposit of special fissionable materials in excess of on-going national needs. For MNAs involving a new joint facility, design features to enhance safeguardability should be incorporated, such as co-location of facilities including storage, features to improve inventory and accounting of materials, features to improve containment and surveillance; and process selection and storage options to make nuclear materials less vulnerable to diversion. Regional facilities would involve transportation of spent fuel over long distance with its associated obstacles. Therefore, in the views of some States, it is desirable to co-locate nuclear power plants, reprocessing plants, MOX fuel (or mixed metal fuel) fabrication plants and fast reactors to use the MOX fuel. Transportation of spent fuel, if any, should be over short distances.

298. What sets reprocessing apart from other steps of the fuel cycle is the separation of fissile material and its reintegration into fresh fuel. One can make the case that MNAs, because of the greater number and better coordination of suppliers and customers in a single organisation, might achieve a better match between the separation of plutonium and its consumption in the form of fresh fuel.

Spent fuel disposal

299. Many organisations want the disposal of nuclear fuel and waste to be done only domestically. Under the Basle Convention, the OECD has opened the vista by deciding that toxic waste can and must be disposed of within the broader geographical region of the OECD. This eminently reasonable approach does not violate in any way rules of good conduct of an environmental and ethical nature. For nuclear wastes, it would certainly make sense to establish similar regional arrangements in the "OECD/EU region", as well as elsewhere in the world.

300. At present there is no market for spent fuel disposal services, since there is no urgent need - either from a technical or from an economic point of views for having repositories even at the national level in many countries. From a higher perspective, one may observe that nuclear services are offered internationally by a number of players, from uranium ore to reprocessing. Why not also final disposal in order to achieve best security, safety and economics?

301. The final disposal of spent fuel is a candidate for multilateral approaches. It offers major economic benefits and substantial non-proliferation benefits, although it presents legal, political and public acceptance challenges in many countries. The Agency should continue its efforts in that direction by working on all the underlying factors, and by assuming political leadership to encourage such undertakings. For example, the IAEA could launch a "Siteless Pilot Project of Spent Fuel Repository" that would elaborate in detail all related technical, economical, legal and institutional aspects. Beyond the IAEA, in spite of current legal constraints on exports and imports, other regional organisations could become active, such as the OECD, the European Union and the North American Free Trade Agreement.

302. To be successful, the final disposal of spent fuel (and radioactive waste as well) in shared repositories must be looked at as only one element of a broader strategy of parallel options. National solutions will remain a first priority in many countries. This is the only approach for States with major nuclear programmes in operation or in past operation. For others with smaller nuclear programmes, a dual-track approach is needed in which both national and international solutions are pursued. Small countries should keep options open (national, regional, international), be it only to maintain a minimum national technical competence necessary to act in an international context.

303. Besides participating countries, it would seem that the international community at large should also play a role in achieving greater public acceptance for international repositories. The IAEA should put forward proposals for a more active role of the Agency, such as policy statements and resolutions expressing a broad support for international repositories, and possibly for a more active role of the Agency as an umbrella or a sponsor for such projects.

Fuel storage

304. Storage facilities are in operation and are being built in several countries. There is no international market for services in this area except for the readiness of the Russian Federation to receive Russian-supplied fuel, with a possible offer to do so for other spent fuel. In this connection, the storage of spent fuel is also a candidate for multilateral approaches, primarily at the regional level. Storage of special nuclear materials in a few safe and secure facilities will enhance safeguards and physical protection. The IAEA should continue its related efforts and encourage such undertakings. Various countries with state of the art storage facilities in place could move forward and accept spent fuel from others for interim storage. The IAEA could facilitate this arrangement by acting as a "technical inspection agency" assuring the suitability of the facility and applying state-of-the-art safeguards control and inspections.

Combined option: fuel-leasing/fuel take-back

305. In this model, the leasing State will provide the fuel it promised through an arrangement it will separately enter into with its own nuclear fuel "vendor". At the time the government of the leasing State issues an export license to its fuel "vendor" corporation to send fresh fuel to a client reactor, that government will also announce its plan for the management of that fuel once discharged. Without a specific spent fuel management scheme by the leasing State, the lease deal will of course not take place. The leased fuel once removed from the reactor and cooled down, could either be returned to its country of origin which owns title to it, or, through an IAEA-brokered deal could be sent to a third party State or to a multinational or a regional fuel cycle centre located elsewhere for storage and ultimate disposal.

306. The State obtaining the leased fresh fuel may wish to guarantee having adequate fuel supplies by contracting with more than one government and one international vendor corporation for providing portions of its fuel reloading requirements, under multiple lease deals each covering a portion of its fuel supply needs. In this way it has greater assurance that even if one leasing State and its related "vendor" corporation, for some reason, could not meet all its obligations in a timely manner. In such an event, only a portion of the reload requirements would be affected, and that portion might still be provided by any of its other fresh fuel "vendors" having some spare 'flywheel' capacity. If the State obtaining leased fuel is in good standing with regards to its safeguards obligations (including the Additional Protocol), then it could use the good offices of the IAEA to convince various leasing countries to allow their fuel "vendor" corporations to provide it fuel on lease-take-back arrangements.

307. One weak part in the arrangement outlined above is the willingness, indeed the political capability, of the leasing State to take-back the spent fuel it has provided under the lease contract. It may well be politically difficult for any State to accept spent fuel not coming from its own reactors (that is, reactors producing electricity for the direct benefit of its own citizens). Yet, to make any lease-take-back deal credible, an ironclad guarantee of spent fuel removal from the country where it was used must be provided, otherwise the entire arrangement is moot. In this respect, States with suitable disposal sites, and with grave concerns about proliferation risks, ought to be proactive in putting forward solutions as well as identifying problems and a commitment to forego enrichment and reprocessing in the buyer state should enhance this effort.

308. As an alternative, the IAEA could facilitate the creation of multinational or regional spent fuel storage facilities or of full-fledged fuel cycle centres, where spent fuel owned by leasing States and burned elsewhere could be sent. The IAEA could thus become an active participant in regional spent fuel storage facilities, or third party spent fuel disposal schemes, thereby making lease-take-back fuel supply arrangements more credible propositions.

Other options

309. The concept of "fuel cycle centres" also deserves consideration. Such centres would combine, in one location, several segments of the fuel cycle, e.g. uranium processing and enrichment, fuel fabrication (including MOX), spent fuel storage and reprocessing. Regional fuel cycle centres offer most of the benefits of other MNAs, in particular as to material security and transportation. The further step – the additional co-location of nuclear power plants – would create a genuine "nuclear power park" – an interesting and more long-term concept that deserves further study.

310. In the model of cooperation, one could also foresee the option of companies of different part of the fuel cycle cooperating, and in such a way, supplying a customer with various – or even all – the required services for using nuclear energy.

Chapter 6 - Overarching issues

311. Apart from the cross-cutting factors related to the implementation of MNAs, such as the technical, legal and safeguards factors discussed in Chapter 4 above, there are a number of overarching issues, primarily of a broad political nature, which may have a bearing upon perceptions of the feasibility and desirability of MNAs. These issues may be decisive in any future endeavour to develop, assess and implement such approaches at the national and international level.

Relevant articles of the NPT

312. Cooperation in the peaceful uses of nuclear energy, which had earlier provided the basis for the foundation of the IAEA, is an essential element of the NPT.

313. Article IV.1 of the Treaty provides that nothing shall be interpreted as affecting the "*inalienable right of all Parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II*" of the NPT. In accordance with Article IV.2, all Parties to the NPT shall undertake to "*facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.*" That same paragraph requires that Parties to the Treaty in a position to do so to "*cooperate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of [NNWS Party to the NPT], with due consideration for the needs of the developing areas of the world.*"

314. The Treaty thus explicitly confirmed the inherent right of States to use nuclear energy for peaceful purposes. The commitment by all States parties to cooperate in the further development of nuclear energy and for the NWS to work towards nuclear disarmament was the political bargain that provided the basis for NNWS to abstain from acquiring nuclear weapons. Without the inclusion of Article IV and Article VI, the Treaty would not have been adopted nor received the widespread adherence it obtained afterwards. Article IV was specifically crafted to preclude any attempt to reinterpret the NPT so as to inhibit a country's right to peaceful nuclear technologies - so long as the technology is not used to produce nuclear weapons.

315. NNWS have expressed dissatisfaction about what they increasingly view as a growing imbalance in the NPT: that, through the imposition of restrictions on the supply of materials and equipment of the nuclear fuel cycle by the NWS and the advanced industrial NNWS, those States have backed away from their original guarantee to facilitate the fullest possible exchange referred to in Article IV.2 and to assist NNWS in the development of the applications of nuclear energy. There are also concerns that additional constraints on Article IV might be imposed.

316. Article VI of the Treaty obliges NWS States Parties "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament." Many NNWS also consider the implementation of Article VI of the NPT by NWS as unsatisfactory, including on entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and on the start of negotiations on a verifiable FM(C)T. Such concerns have fostered a belief among many NNWS that the NPT bargain is being corroded.

Safeguards and export controls

317. Some States have argued that, if the objective of MNAs is merely to strengthen the nuclear non-proliferation regime then, rather than focusing on MNAs, it may be better to concentrate instead on the existing elements of the regime itself, for example, by seeking the universality of the Additional Protocol (AP) to IAEA safeguards agreements and by the universalisation of multilateral export controls, such as that stipulated by UNSC Resolution 1540 (2004), which requires individual States to strengthen their export controls in order to prevent the spread of weapons of mass destruction and related materials to non-State actors.

318. The risks involved in the spread of sensitive nuclear technologies should primarily be addressed by an efficient and cost-effective safeguards system. The IAEA and regional safeguards systems have done an outstanding job in these matters. Safeguards, well and rationally applied, have been the most efficient way to detect and deter further proliferation and to provide States Parties with an opportunity to assure others that they are in conformity with their safeguards commitments. In a related sense, the IAEA safeguards system represents by itself a multilateral approach to non-proliferation. Of course, advances in technologies require safeguards to be strengthened and updated, while protecting commercial, technological and industrial secrets. Therefore the comprehensive safeguards agreement, in the first place, and also the adoption of the Additional Protocol, and its judicious implementation based on State-level risk analysis, are essential steps against further nuclear proliferation.[27] The Additional Protocol has proven to provide additional, necessary and effective verification tools, while protecting legitimate national interests in security and confidentiality. Sustained application of the Additional Protocol in a State can provide credible assurance of the absence of undeclared materials and activities in that State. Together with a comprehensive safeguards agreement, the Additional Protocol should become the de facto safeguards standard.

319. The above notwithstanding, the IAEA should endeavour to further strengthen the implementation of safeguards. For example, it should revisit three facets of its verification system:

a. The technical annexes of the Additional Protocol should be regularly updated to reflect the continuing development of nuclear techniques and technologies.

b. The implementation of the Additional Protocol requires adequate resources and a firm commitment to apply it decisively. It should be recalled that the Model Additional Protocol commits the IAEA not to apply the AP in a mechanistic or systematic way. Therefore the IAEA should allocate its resources on problematic areas rather than on States using the largest amounts of nuclear material.

c. The enforcement mechanisms in case of a fundamental breach of, or in case of non-compliance with the safeguards agreement. Are these mechanisms progressive enough to act as an effective deterrent? Further consideration should be given, by the IAEA to appropriate measures to handle various degrees of violations.

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[27] In adopting the model Additional Protocol, the IAEA Board of Governors requested the Director General:

a. to use the Model Protocol as the standard for additional protocols to be concluded by States and other parties to comprehensive safeguards agreements with the IAEA (such protocols to contain all of the measures in the Model Protocol);

b. to negotiate additional protocols or other legally binding agreements with NWS incorporating those measures provided for in the Model Protocol that each NWS has identified as capable of contributing to the non-proliferation and efficiency aims of the Protocol, when implemented with regard to that NWS, and as consistent with that State's obligations under Article I of the NPT;

c. to negotiate additional protocols with other States that are prepared to accept measures provided for in the Model Protocol in pursuance of safeguards effectiveness and efficiency objectives.

320. Export guidelines and their implementation are an important line of defence for preventing proliferation. Recent events have shown that criminal networks can find ways around existing controls to supply clandestine activities. Yet, one should remember that all States party to the NPT are obliged, pursuant to Article III.2 thereof, to implement export controls. This obligation was reiterated by Resolution 1540 of the Security Council for all members of the United Nations. Therefore, the participation in the development and implementation of export controls should be broadened, and multilaterally-agreed export controls should be developed in a transparent manner, engaging all States.

321. In fact, the primary technical barriers against proliferation remain the effective and universal implementation of IAEA safeguards under comprehensive safeguards agreements and additional protocols, and the export controls. Both must be as strong as possible on their own merits. MNAs will be complementary mechanisms for strengthening the existing non-proliferation regime.

Voluntary participation in MNAs versus a binding norm

322. The present legal framework does not oblige countries to participate in MNAs; the political environment makes it unlikely that such a norm can be established any time soon. Establishing MNAs resting on ***voluntary*** participation is thus the more promising way to proceed. In a voluntary arrangement covering assurances of supply, recipient countries would, for the duration of the respective supply contract, renounce the construction and operation of sensitive fuel cycle facilities and accept safeguards of the highest current standards, including comprehensive safeguards and the Additional Protocol. Where the demarcation line between permitted R&D activities and renounced development and construction activities has to be drawn is a matter for further consideration. In voluntary MNAs involving facilities, the participating countries would presumably commit to carry out the related activities solely under the common MNA roof.

323. In reality, countries will enter into such multilateral arrangements according to the economic and political incentives and disincentives offered by these arrangements. A political environment of mutual trust and consensus among the partners - based on full compliance with the agreed nuclear non-proliferation obligations of the partners - will be necessary to the successful negotiation, creation and operation of an MNA.

324. Beyond this, a new ***binding*** international norm stipulating that sensitive fuel cycle activities are to be conducted exclusively in the context of MNAs and no longer as a national undertaking would amount to a change in the scope of Article IV of the NPT. The wording and negotiation history of this article emphasise the right of each party in good standing to choose its national fuel cycle on the basis of its sovereign consideration. This right is not independent of the faithful abiding by the undertakings under Articles I and II. But if this condition is met, no legal barrier stands in the way of each State party to pursue all fuel cycle activities on a national basis. Waiving this right would thus change the "bargain" of the NPT.

325. Such a fundamental change is not impossible if the parties were to agree on it in a broader negotiating frame. For NNWS, such a new bargain can probably only be realised through universal principles, applying to all States, and with additional steps by NWS regarding nuclear disarmament. In addition, a verifiable FM(C)T might also be one of the preconditions for binding multilateral obligations. As such a treaty would terminate the right of any participating nuclear weapon States and non-NPT parties to run reprocessing and enrichment facilities for nuclear explosive purposes, it would bring them to the same level – with regard to such activities – as non-nuclear weapon States. The new restrictions would apply to all States and facilities related to the technologies involved, without exception. At that time, multilateral arrangements could become a universal, binding principle. The question may also raised as to what might be the conditions required by NWS and non-NPT States to commit to binding MNAs involving themselves.

Nuclear-weapon States and non-NPT States

Weapon-usable material (stocks and flows) and sensitive facilities that are capable of producing such material are located predominantly in the NWS and non-NPT States. While the issue discussed in previous chapters raised a concern about the construction of such facilities in NNWS in the context of an MNA, the question here is how MNAs for existing or future sensitive facilities should include NWS and non-NPT States, in light of the possibility that the nuclear material produced therefrom could contribute to such a State's nuclear weapons programme. This shows again the relevance of a FM(C)T.

326. The feasibility of bringing NWS and non-NPT States into MNAs should indeed be considered at an early stage. As long as MNAs remain voluntary, nothing would preclude such States from participating in an MNA. In fact, France (in connection with the EURODIF arrangement) and the United Kingdom (in connection with Urenco) are examples of such participation. In transforming existing civilian facilities into MNAs subject to safeguards and security requirements, such States would demonstrate their support for non-proliferation and for peaceful international nuclear collaboration. If NPT and non-NPT States were both to participate in the same MNA, this would require a change in policy on the part of the participating NPT States Parties.

Breakout and other risks

327. Whether voluntary or compulsory, multilateral facilities share a potential weakness with their national counterparts, namely the risk of the host country "breaking out": for example, by creating a political emergency, expelling multinational staff, withdrawing from the NPT (and thereby terminating its safeguards agreement), and operating the multilateral facility without international control. For multilateral facilities to be acceptable, this risk would need to be addressed. Nevertheless, MNAs offer a better protection than national facilities if they are run by multinational staff and involving intertwined activities. At a minimum, such breakout would alienate the other partners in the MNA, possibly lead to some retaliatory measures, raise political temperatures and give the international community (and the IAEA) advance notice that things might be amiss - hopefully within the 3 months necessary to do something about it. As a further disincentive to breakout, NPT States Parties desiring to host or participate in the MNA, could choose to forego their rights under Article X.1 of the Treaty, or to allow continuation of safeguards and/or to commit to returning equipment and materials obtained through MNA participation.

328. The United Nations Security Council, as the international organ bearing the main responsibility for the maintenance of international peace and security, should be prepared to respond to such action, insofar as withdrawal from the NPT could be seen as a threat to international peace and security.

329. Breaking out of the NPT would be a clear challenge to the non-proliferation regime and to the security of the international community. However, several other proliferation scenarios more specifically related to the concept of MNA should be included in any agreement setting up an MNA. One is the possibility of withdrawal from the MNA (that is to say, "going national"), without leaving the NPT. A second would entail the misuse of technology by non-host parties to the MNA on their own territory using know-how acquired through the MNA.

Enforcement

330. Eventually, the success of all efforts to improve the nuclear non-proliferation regime depends upon the effectiveness of compliance and enforcement mechanisms. Enforcement measures in case of non-compliance can be partially improved by MNAs' legal provisions, which will carefully specify a definition of what constitutes a violation, by whom such violations will be judged, and possible measures that could be directly applied by the partners in addition to broader political tools.

331. However, enhanced safeguards, MNAs, or new undertakings by States will not serve their full purpose if the international community does not respond with determination to serious cases of non-compliance, be it diversion, clandestine activities or breakout. Responses are needed at four levels, depending upon the specific case: the MNA partners of the non-compliant State; the IAEA; the States Parties to the NPT; and the UN Security Council. Where they do not currently exist, appropriate procedures and measures must be available and must be made use of at all four levels to cope with non-compliance instances, stressing that States violating important treaties and arrangements should not be permitted to do so unimpeded.

Chapter 7 - Multilateral nuclear approaches: the future

332. As noted in Chapter 3, past initiatives for multilateral nuclear cooperation did not result in any tangible results. Proliferation concerns were perceived as not serious enough. Economic incentives were seldom strong enough, and concerns about assurances of supply were paramount. National pride also played a role, alongside expectations about the technological and economic spin-offs to be derived from nuclear activities. Many of those considerations may still be pertinent today. However, the result of balancing those considerations today, in the face of a possible expansion of nuclear facilities over the next decades and the potential for increasing proliferation dangers may well produce a political environment more conducive to MNAs in the 21st century.

333. The potential benefits of MNAs for the non-proliferation regime are both symbolic and practical. As a confidence-building measure, multilateral approaches have the potential to provide enhanced assurance to the partners and to the international community that the most sensitive parts of the civilian nuclear fuel cycle are less vulnerable to misuse for weapon purposes. Joint facilities with multinational staff put all MNA participants under a greater degree of scrutiny from peers and partners and may also constitute an obstacle against breakout by the host partner. MNAs will also reduce the number of sites where sensitive facilities are operated, thereby curbing proliferation risks; and they diminish the number of potential points of access for non-state actors to sensitive material. Moreover, these approaches also have the potential to facilitate the continued use of nuclear energy for peaceful purposes and enhance the prospects for the safe and environmentally sound storage and disposal of spent nuclear fuel and radioactive waste.

334. Multilateral approaches could also provide the benefits of cost-effectiveness and economies of scale for smaller countries or those with limited resources, while ensuring the benefits of the use of nuclear technology. Similar benefits have been derived in the context of other high technology sector, such as aviation and aerospace.

335. However, the case to be made in favour of MNAs is not entirely straightforward. States with differing levels of technology, different degrees of institutionalisation, economic development and resources and competing political considerations may not all reach the same conclusions as to the benefits, convenience and desirability of MNAs. Some might argue that multilateral approaches point to the loss or limitation of State sovereignty and independent ownership and control of a key technology sector, leaving unfairly the commercial benefits of these technologies to just a few countries. Others might argue that multilateral approaches could lead to further dissemination of, or loss of control over, sensitive nuclear technologies, and result in higher proliferation risks.

336. One of the most critical steps is to devise effective mechanisms for assurances of supply of material and services, which are commercially competitive, free of monopolies and free of political constraints. Effective assurances of supply will have to include back-up sources of supply in the event that an MNA supplier is unable to provide the required material or services. In this context, the IAEA could play a pivotal role as a kind of guarantor in an international mechanism for emergency supply.

337. Appropriate organisational and institutional arrangements, as well as the relevant legal instruments, would need to be developed, both at the State level and at the commercial level. Arrangements at the State or governmental level would need to specify, for example, the safeguards obligations and the degree of restraint on parallel national nuclear fuel cycle activities in participating States. At the commercial level, such matters as the allocation of ownership, financial obligations and facility operation would need to be articulated.

338. It is also important that international oversight of an MNA be arranged, as needed, to achieve confidence of partners on adequate safety and physical security of the proposed facility.

339. In summary, the Expert Group on Multilateral Approaches for the Nuclear Fuel Cycle has reviewed the various aspects of the fuel cycle, identified a number of options for MNAs deserving of further consideration, and noted a number of pros and cons for each of the options. It is hoped that the report of the Expert Group will serve as a building block, or as a milestone. It is not intended to mark the end of the road. MNAs offer a potentially useful contribution to meeting prevailing concerns about assurances of supply and non-proliferation.

340. In the meantime, the Group recommends that steps be taken to strengthen overall controls on the nuclear fuel cycle and the transfer of technology, including safeguards and export controls; the former by promoting adherence to Additional Protocols, the latter through a more stringent implementation of guidelines and universal participation in their development.

341. In order to maintain momentum, the Group recommends that attention be given – by the IAEA Member States, by the IAEA itself, by the nuclear industry and by other nuclear organisations – to multilateral nuclear approaches in general and to the **five approaches** suggested below in particular.

Five suggested approaches

The objective of increasing non-proliferation assurances concerning the civilian nuclear fuel cycles, while preserving assurances of supply and services around the world could be achieved through a set of gradually introduced multilateral nuclear approaches (MNA):

Reinforcing **existing commercial market mechanisms** on a case-by-case basis through long-term contracts and transparent suppliers' arrangements with government backing. Examples would be: fuel leasing and fuel take-back, commercial offers to store and dispose of spent fuel and commercial fuel banks.

Developing and implementing **international supply guarantees** with IAEA participation. Different models should be investigated, notably with the **IAEA as guarantor** of service supplies, e.g. as administrator of a fuel bank.

Promoting voluntary conversion of **existing facilities to MNAs**, and pursuing them as **confidence-building measures**, with the participation of NPT non-nuclear weapon States and nuclear weapon States, and non-NPT States.

Creating, through voluntary agreements and contracts, **multinational, and in particular regional, MNAs for new facilities** based on joint ownership, drawing rights or co-management for front-end and back-end nuclear facilities, such as uranium enrichment; fuel reprocessing; disposal and storage of spent fuel (and combinations thereof). Integrated nuclear power parks would also serve this objective.

The scenario of a further expansion of nuclear energy around the world might call for the development of a **nuclear fuel cycle with stronger multilateral arrangements** – by region or by continent - **and broader cooperation**, involving the IAEA and the international community.

Annex 1 – Letter from the Director General

11 June 2004

Dear Mr .....

As an expert on nuclear fuel cycle and non-proliferation matters, you will have followed the recent international discussions about the need to further strengthen the nuclear non-proliferation regime. Some of the proposals and initiatives in this regard focus on the non-proliferation benefits of more effective controls over the most proliferation sensitive technologies involved in the nuclear fuel cycle – such as enrichment and reprocessing.

During the March 2004 meeting of the Agency's Board of Governors, I signaled my intention to convene a group of experts to explore options and develop proposals for improved controls, including possible multilateral oversight arrangements, for the front- and the back-ends of the nuclear fuel cycle. In my view, the work of such a group will be an important contribution to the ongoing debate on this issue. Moreover, I expect that this work may result in practical proposals, which, if implemented, could provide enhanced assurance to the international community that sensitive portions of the nuclear fuel cycle are less vulnerable to misuse for proliferation purposes and thereby facilitate the continued uses of nuclear energy for peaceful purposes.

Following consultations, and in recognition of your knowledge and expertise, I am pleased to invite you to participate in a personal capacity in the work of the International Expert Group which I am setting up with the task of preparing an initial study on the above issues by Spring 2005. I trust you will be able to accept this invitation and will also be able to arrange for the necessary funding of your participation.

I have invited Mr. Bruno Pellaud, former Deputy Director General of the Agency for safeguards and verification, to be the Chairman of the Expert Group. Based on discussions with him, I suggest that the first meeting of the group be held from 30 August to 3 September 2004 in Vienna at the Agency's Headquarters. It is anticipated that the Group will have up to four meetings in Vienna in order to complete its work.

The Terms of Reference for the Group are attached. I have asked Mr. Pellaud to contact you with more details and information relating to the arrangements for the meetings of the Group.

Yours sincerely,

Mohamed ElBaradei (*signed*)

Terms of Reference:

a. Identify and provide an analysis of issues and options relevant to multilateral approaches to the front-end and back-end of the nuclear fuel cycle;

b. Provide an overview of the policy, legal, security, economic and technological incentives and disincentives for cooperation in multilateral arrangements for the front and back ends of the nuclear fuel cycle; and

c. Provide a brief review of the historical and current experiences and analyses relating to multilateral fuel cycle arrangements relevant to the work of the Expert Group.

Annex 2 - Participants and contributors

.1.1. Expert Group members

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Expert Group members participated in the work of the group in their personal capacity.

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IAEA support

The following IAEA staff members made contributions to the Group's work: Ms. Fiona Simpson ("Keeper of the text") and Mr. Tariq Rauf (Scientific Secretary); Messrs. Alan McDonald, Vladimir Kagramanian (former staff) and Jan-Marie Potier; Mr. John Rames (former staff) and Ms. Laura Rockwood; Ms. Jill Cooley, Messrs. Mazhar Saied, Eckhard Haas and Matthias Gohl (Intern) and Ms. Elena Bergo for administrative support.

External support

The Group drew on the expertise and presentations of external persons: Mr. Pat Upson (Urenco), Messrs. Philip Sewell and Charles Yulish (US Enrichment Corporation), Mr. Jean-Louis Lemarchand and Ms. Caroline Jorant (AREVA), Mr. Charles McCombie (Arius Association) and Messrs. Alexy Grigoriev (TVEL) and Sergey Ruchkin (TENEX).

Annex 3 - Acronyms

^{235}U	Uranium 235
^{238}U	Uranium 238
AP	Additional Protocol (IAEA INFCIRC/540(Corr.))
BNFL	British Nuclear Fuels Limited
CAS	Committee on Assurances of Supply (1980-1987)
CPPNM	Convention on the Physical Protection of Nuclear Material (1980)
CTBT	Comprehensive Nuclear-Test-Ban Treaty
DIV	Design information verification
DPRK	Democratic People's Republic of Korea
EC	European Commission
EMIS	Electro-Magnetic Isotope Separation
EU	European Union
EURATOM	European Atomic Energy Community
EURODIF	Usine EUROpéenne d'enrichissement par DIFfusion gazeuse (European Gaseous Diffusion Uranium Enrichment Consortium)
FM(C)T	Fissile Material (Cut-Off) Treaty
FORATOM	European Atomic Forum
GDP	Gaseous Diffusion Plant
HEU	High Enriched Uranium (^{235}U ≥ 20%)
HLW	High Level Waste
HQ	Headquarters
IAEA	International Atomic Energy Agency
INFCE	International Nuclear Fuel Cycle Evaluation (1977-1980)
INFCIRC	Information Circular
INMS	International Nuclear Material Storage
INPRO	International Project on Innovative Nuclear Reactors and Fuel Cycles (2000-….)
IPS	(Expert Group on) International Plutonium Storage (1978-1982)
IT	Information Technology
JNC	Japan Nuclear Cycle Development Institute
kWh	Kilowatt-hours
LES	Louisiana Enrichment Services
LEU	Low Enriched Uranium (^{235}U < 20%)
LFUA	Limited Frequency Unannounced Access
LWR	Light Water Reactor

MNA(s)	Multilateral Nuclear Approaches
MOX	Mixed Oxide (mixture of the oxides of uranium and plutonium used as reactor fuel)
MPC&A	Material, Protection, Control and Accounting
MWe	Megawatt electrical
NEA	Nuclear Energy Agency (specialized agency within the OECD)
NNWS	Non-Nuclear-Weapon State
NPT	Non Proliferation Treaty
NSG	Nuclear Suppliers' Group
NWS	Nuclear-Weapon-State under the NPT
OECD	Organization for Economic Cooperation and Development
Pu	Plutonium
PuO_2	Plutonium di-oxide
PUREX	Plutonium and Uranium recovery by extraction
PWR	Pressurized Water Reactor
R&D	Research and Development
REU	Recycled Uranium
RFCC	Regional Nuclear Fuel Cycle Centres (1975-1977)
SAGOR	Program for Development of Safeguards for the Final Disposal of Spent Fuel in Geologic Repositories (1994-1998)
SAGSI	Standing Advisory Group on Safeguards Implementation
SAPIERR	Support Action: Pilot Initiative on European Regional Repositories (5.4)
SQ	Significant Quantity
SSAC	State System of Accounting for and Control of nuclear material
SWU	Separative Work Unit (Measure for the capacity of an enrichment plant)
TBP	Tributyl phosphate
TECDOC	IAEA Technical Document
TENEX	Techsnabexport
tHM/a	Tonnes heavy Metal per year
THOREX	Thorium recovery by extraction
U	Uranium
U_3O_8	Tri-uranium oxide
UF_6	Uranium hexa-fluoride
UN	United Nations
UNCPICPUNE	United Nations Conference for the Promotion of International Cooperation in the Peaceful Uses of Nuclear Energy (1987)
UNIREP	United Reprocessors Gesellschaft

UNSC	United Nations Security Council
UO_2	Uranium di-oxide
UO_3	Uranium tri-oxide
Urenco	Uranium Enrichment Company
USEC	United States Enrichment Corporation
WWER	Water cooled, water moderated power reactor

For further information see the "IAEA Safeguards Glossary"

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2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament"

Report submitted by Japan

In accordance with subparagraph 12 of paragraph 15 in the chapter on article VI of the Final Document of the 2000 Review Conference, the Government of Japan reports on the measures it has taken to implement article VI of the Treaty and paragraph 4 (c) of the 1995 decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament".

1. Contribution to the 2005 review process

In order to make tangible contributions to the preparatory process for the 2005 Review Conference and to clearly explain its position on nuclear disarmament, Japan has presented the following working papers to each session of the Preparatory Committee:

- NPT/CONF.2005/PC.I/WP.7
- NPT/CONF.2005/PC.II/WP.15 and NPT/CONF.2005/PC.II/WP.18
- NPT/CONF.2005/PC.III/WP.11, NPT/CONF.2005/PC.III/WP.17, NPT/CONF.2005/PC.III/WP.18 and Corr.1.

In addition, on 7 and 8 February 2005, Japan hosted the Tokyo seminar on the Treaty on the Non-Proliferation of Nuclear Weapons, "Toward the 2005 Review Conference", in order to pave the way for a successful outcome for the 2005 Review Conference.

2. Commitment to the three non-nuclear principles

The Government of Japan continues to be firmly committed to the three non-nuclear principles, which describes the policy of not possessing, not producing and not permitting the introduction of nuclear weapons into Japan. The successive Cabinets of Japan, including the incumbent cabinet under Prime Minister Junichiro

Koizumi, have repeatedly articulated that Japan will continue to uphold these principles.

3. Efforts for the early entry-into-force of the Comprehensive Nuclear-Test-Ban Treaty

Japan emphasizes the importance of the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty which constitutes one of the major pillars of the Treaty on the Non-Proliferation of Nuclear Weapons regime. From this point of view, Japan has made various efforts, including the following:

(a) Japan has seized every high-level opportunity to convince States that have not yet signed or ratified the Comprehensive Nuclear-Test-Ban Treaty, especially those States listed in annex II, of the importance of its early entry into force.

(b) On 3 September 2003, then Minister for Foreign Affairs, Yoriko Kawaguchi, attended the Third Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, making a strong personal appeal for its signing and ratification as early as possible. In addition, prior to that Conference, together with the President of the Conference, the Foreign Minister of Finland, Mr. Tuomioja, and the Foreign Minister of Austria, Ms. Ferrero-Waldner, Minister Kawaguchi sent a joint letter to the remaining 12 countries, whose ratification was a prerequisite for its entry into force, encouraging them to ratify the Treaty as soon as possible, following which joint démarches were made by Japan, Finland and Austria.

(c) In September 2004, Japan, together with Australia, Finland and the Netherlands, co-hosted the "Friends of the Comprehensive Nuclear-Test-Ban Treaty" Foreign Ministers Meeting. The joint ministerial statement issued at the meeting underlined that the progress on the early entry into force of the Treaty would also contribute to a positive outcome of the 2005 Review Conference.

(d) In April 2005, prior to the 2005 Review Conference, the Minister for Foreign Affairs, Nobutaka Machimura, sent letters to 11 States whose ratification is required for the Treaty to enter into force.

(e) As part of the establishment of the International Monitoring System, the construction of domestic monitoring facilities in Japan has been steadily progressing under the supervision of its National Operation System for the Comprehensive Nuclear-Test-Ban Treaty. To date, three domestic monitoring facilities have been formally certified by the Provisional Technical Secretariat of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organization.

(f) Ambassador Yukio Takasu, Permanent Representative of Japan to the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organization, was elected as chairman of the Commission for 2004 and made every effort towards the achievement of the Treaty's early entry into force.

(g) Japan has encouraged countries that have not yet ratified the Treaty to do so by, for example, providing technical assistance in the field of earthquake monitoring technology for the establishment of the International Monitoring System.

(h) Japan also took the initiative, together with Germany, to hold a seminar on civil and scientific applications of verification technologies for the Comprehensive Nuclear-Test-Ban Treaty at the Japanese-German Centre Berlin in May 2004.

4. Activities in preparation for the commencement of negotiations on the Fissile Material Cut-off Treaty

Japan emphasizes the importance and urgency of the commencement of negotiations on the Fissile Material Cut-off Treaty. As a concrete contribution, Japan presented, on 14 August 2003, a working paper on the Treaty to the Conference on Disarmament, aimed at deepening discussions on the substantive issues, and facilitating the early commencement of negotiations.

Japan regards it as a primary task to reach an agreement on a programme of work at the Conference on Disarmament, thereby bringing about the early commencement of negotiations on the Fissile Material Cut-off Treaty. Japan has been making utmost efforts to break the current stalemate at the Conference on Disarmament and has redoubled its endeavours to that end during its Presidency of the Conference on Disarmament from 18 August to 31 December 2003 On 4 September 2003, the then Foreign Minister Kawaguchi visited the Conference on Disarmament and appealed for the early resumption of substantive discussion in that Forum, stressing the need and urgency for the commencement of negotiations on the Fissile Material Cut-off Treaty.

5. Submission of resolutions on nuclear disarmament to the United Nations General Assembly

Every year from 1994 to 1999, Japan submitted to the United Nations General Assembly a draft resolution calling for nuclear disarmament with a view to the ultimate elimination of nuclear weapons. Since 2000, Japan has annually submitted a draft resolution entitled "A path to the total elimination of nuclear weapons", reflecting the concrete and practical disarmament steps agreed to in the Final Document of the 2000 Review Conference. Japan's draft resolutions, aiming at the realization of a peaceful and safe world free of nuclear weapons, have been adopted with the overwhelming support of the international community. It is to be noted that in 2004 the resolution received the greatest number of votes in favour in 10 years.

6. Cooperation for denuclearization in the Russian Federation

At their Summit in Kananaskis, Canada, in June 2002, the leaders of the Group of Eight announced the "G-8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction" to address non-proliferation, disarmament, counter-terrorism and nuclear safety issues. Japan committed itself, for the purpose of the Partnership, to make a contribution amounting to a little more than $200 million United States dollars, of which $100 million is to be allocated to the G-8 disposition programme for Russian surplus weapon-grade plutonium and the rest to projects for dismantling Russian decommissioned nuclear submarines. Meanwhile, with the cooperation of Japan, for the first time, 20 kilograms of weapon-grade plutonium, equivalent to two to three nuclear warheads, was successfully disposed of with the aid of advanced technology developed by Russian scientists. Under the same partnership, in December 2003, Japan and the Russian

Federation launched the first cooperation project to dismantle a Victor III class decommissioned nuclear submarine, a project, which was successfully completed in December 2004. At present, Japan and the Russian Federation are making great efforts to conclude an implementing arrangement for dismantling five additional decommissioned nuclear submarines.

7. Efforts to promote disarmament and non-proliferation education

In August 2002, the Group of Governmental Experts to prepare a United Nations study on disarmament and non-proliferation education submitted the report on disarmament and non-proliferation education to the Secretary-General. Resolution 57/60, requesting the implementation of the report, was adopted without a vote at the fifty-seventh session of the General Assembly.

Since 1983, Japan has invited more than 550 participants in the United Nations disarmament fellowship programme to Japan, including to the cities of Hiroshima and Nagasaki, providing these young officials, who will be responsible for future disarmament diplomacy, with an opportunity to witness the horrendous and long-lasting consequences caused by atomic bombs. Japan will continue to contribute to this programme.

Japan believes that the international community should be well informed of the destructive effects of nuclear weapons. In accordance with the wish of the people of Japan that such weapons never be used again, the Government of Japan has supported, on a number of occasions, the efforts of local governments and non-governmental organizations to organize exhibitions relating to atomic bombs in foreign countries, including the Hiroshima-Nagasaki A-bomb exhibition in Aubagne, France, in September 2004 and in Compton, United States of America, in March 2005. Such an exhibition is now being held, at the United Nations during the Review Conference, with the support of the Permanent Mission of Japan to the United Nations.

To elucidate the current state of disarmament and non-proliferation activities and to gain broad understanding and support for the issue, in March 2004, the Government of Japan published a book entitled *Japan's Disarmament and Non-Proliferation Policy*.

In its efforts to implement the recommendations suggested in the report of the Group of Governmental Experts (A/57/124), Japan invited prominent educators on disarmament and non-proliferation to visit Japan in November 2002, January 2004 and February 2005. The educators gave lectures in Tokyo, Hiroshima and Nagasaki on the necessity of nuclear disarmament and also exchanged opinions with the victims of atomic bombs and representatives of non-governmental organizations.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East

Report submitted by Japan

1. Lack of progress in the establishment of a weapons-of-mass-destruction-free zone in the Middle East poses a serious concern for the credibility of the Treaty on the Non-Proliferation of Nuclear Weapons. Japan supported, and continues to fully support, the 1995 resolution on the Middle East, which calls for the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction — nuclear, chemical and biological — and their delivery systems. In this regard, Japan has joined the consensus adoption of resolutions on the establishment of a nuclear-weapon-free zone in the region of the Middle East, which have been submitted to the General Assembly since 1974.

2. The establishment of a zone free of nuclear and all other weapons of mass destruction and their delivery systems in the Middle East will ultimately require the adherence by all States in the region to the Treaty on the Non-Proliferation of Nuclear Weapons, the Biological Weapons Convention and the Chemical Weapons Convention. Adherence to the Comprehensive Nuclear-Test-Ban Treaty by all States in the region would also be a substantial practical step towards this end. Japan has been actively taking part in international efforts to encourage universal adherence to these multilateral, legally binding instruments on disarmament and non-proliferation of weapons of mass destruction. As a part of such endeavours, Japan has urged the Government of Israel at the ministerial level to accede to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State, as well as to adhere to the other treaties related to weapons of mass destruction as soon as possible. Japan also has urged, at the ministerial level, the Governments of Syria, Egypt and Iran (Islamic Republic of) to adhere to the treaties related to weapons of mass destruction at the earliest date.

3. It is no less important that compliance with these legal instruments should be fully assured. Japan also considers it crucial that the future Government of Iraq adhere to all relevant non-proliferation agreements in order to prove its willingness to behave as a responsible member of the international community. In this context, Japan stresses the necessity of strengthening the IAEA safeguards system, which

plays a vital role in underpinning the Treaty on the Non-Proliferation of Nuclear Weapons. Japan strongly believes that the conclusion of the IAEA safeguards agreements and additional protocols by all States in the region is essential for the establishment of a nuclear-weapon-free zone.

4. Japan recognizes the importance of the fact that Iran has voluntarily continued and extended its suspension of all uranium enrichment-related and reprocessing activities. At the same time, Japan reaffirms its strong concern that Iran's policy of concealment up to October 2003 has resulted in many breaches of Iran's obligations to comply with its safeguards agreement with IAEA. Japan believes that, in order to dispel the serious concerns of the international community, it is essential for Iran to sincerely implement all the requirements of the relevant IAEA resolutions. Japan expects the current negotiation process between EU3/EU and Iran to result in success. In particular, Japan has urged Iran at every opportunity to agree, through its negotiations with EU3/EU, to provide sufficient "objective guarantees" that its nuclear programme is exclusively for peaceful purposes.

5. Japan welcomes the decision of the Libyan Arab Jamahiriya, announced in December 2003, to abandon all of its weapons of mass destruction programmes, while expressing concern over Libya's past failures to meet the requirements of its safeguards agreement, which constituted non-compliance. Japan is ready to assist Libya's ongoing efforts to comply with the international legal instruments and frameworks on disarmament and non-proliferation. Japan held a bilateral consultation on disarmament and non-proliferation with Libya for the first time in June 2004.

6. Japan is firmly committed to supporting the Middle East peace process, a key to achieving regional stability. Such stability is a vital factor in establishing conditions for a zone free of weapons of mass destruction. Japan will intensify political consultation with the Israelis and the Palestinians in order to encourage their peace efforts and will assist the Palestinians to help them establish an independent State according to the road map.

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National report of Cuba on the implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons

I. Introduction and general considerations

1. On 4 November 2002, the Government of the Republic of Cuba deposited its instrument of accession to the Treaty on the Non-Proliferation of Nuclear Weapons with the Government of the Russian Federation, thereby becoming a State party to that Treaty.

2. Over the years, Cuba maintained reservations regarding the Treaty, which it considered to be a discriminatory international regime conducive to the existence of a "club of nuclear-weapon-States", and because these countries have failed, over all the years that have elapsed since 5 March 1970, the date on which the Treaty entered into force, to attain the ultimate objective of the total elimination of such weapons.

3. Cuba considers that this "privilege" should not be granted in perpetuity and that nuclear-weapons States are obliged, pursuant to the provisions of the Treaty and together with the other States parties, to it, to pursue negotiations on nuclear disarmament.

4. On becoming a State party to the Treaty Cuba's position of principle did not change. Our country has decided to work from within the Treaty in order to further what we regard to be our priority in the area of disarmament, namely, achieving the total elimination of nuclear weapons. For many, the Treaty is an end in itself. For Cuba, it is only one step on the path towards nuclear disarmament.

5. Cuba has always maintained that military doctrines based on the possession of nuclear weapons are untenable and unacceptable. No country or group of countries should be permitted to have a monopoly of these devastating weapons. Still less acceptable is the continued development — in terms both of quantity and quality — of weapons of this type by the exclusive club of nuclear Powers recognized by the Treaty. The only way of overcoming the built-in flaws of the NPT, and its selective and discriminatory nature, is by attaining the objective of the complete elimination of nuclear weapons, thereby guaranteeing the security of all countries on an equal footing.

6. As a State party to the NPT, Cuba still continues to maintain that the isolated application of the principle of non-proliferation is insufficient to eliminate nuclear weapons. Only the application of a systematic approach, which would also include the components of disarmament, verification, assistance and cooperation, will be able to guarantee the total elimination of nuclear weapons. Cuba is prepared to launch immediate negotiations on a multilateral convention which applies this approach and believes that the Conference on Disarmament, as the sole multilateral negotiating forum in the area of disarmament, is the proper framework for such an undertaking.

7. The letter and the spirit of the Treaty are clear with regard to the achievement of the objective of nuclear disarmament. Article VI of the Treaty calls on the Contracting Parties to pursue "negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control". Unfortunately, this provision of the Treaty has not been respected. On repeated occasions and in various forums, Cuba has expressed its dissatisfaction with the lack of tangible progress in the implementation of that article, because it takes the view that the primary responsibility for compliance lies with nuclear-weapon States.

II. Specific considerations relating to article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and to its national and global implementation

8. Cuba attaches particular importance to compliance with article VI of the Treaty. The outcome document of the seventh review Conference must contain practical commitments that clearly reflect the role and responsibility of the nuclear Powers in the disarmament process, which must be undertaken with full respect for the principles of transparency, verification and irreversibility.

A. Action and measures taken at the national level in order to implement article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and other relevant provisions thereof

9. Although Cuba acceded to the Treaty in 2002, the Cuban Government has never intended and does not intend to develop or possess nuclear weapons. Our defence plans have never relied on the possession of nuclear weapons or of other weapons of mass destruction. Cuba has always called for their elimination and for general and complete disarmament under strict and effective international control.

10. Cuba's only interest in nuclear energy relates to the peaceful uses of such energy subject to verification by the International Atomic Energy Agency (IAEA), which Cuba recognizes as the authority responsible for verifying compliance with the Treaty.

11. All Cuba's programmes involving nuclear energy have strictly peaceful uses. They are subject to strict control by the competent national authorities and are monitored on a permanent basis by IAEA.

12. Even before it became a State party to the Treaty, Cuba had concluded partial safeguards agreements with IAEA in respect of its nuclear facilities. In October 1999, Cuba signed the Protocol Additional to its partial safeguards agreements, thereby becoming the first and only country with this type of agreement to take concrete action in support of the safeguards strengthening programme and, consequently, in support of the prestige of the IAEA verification mechanism.

13. In accordance with its commitments as a State party to the Treaty, Cuba concluded a comprehensive safeguards agreement with the Agency (INFCIRC/633) and a protocol additional to that agreement (INFCIRC/633/Add.1), which have been in force since 3 June 2004.

14. Cuba has an effective, predictable and reliable system for the national implementation of the international obligations incumbent upon it as a State party to the Treaty and as a member of IAEA. Cuba has a body of legislation and other procedures which govern all the activities of the various national bodies and institutions whose work relates, in one way or another, to the nuclear sphere. Current national legislation in this area ensures the strictly peaceful use of nuclear energy and associated equipment and technology. This legislation consists of the following laws, resolutions, regulations and other legal instruments:

(a) Decree-Law No. 207 of 14 February 2000 on the use of nuclear energy, which establishes the principle that nuclear energy should be used for peaceful purposes in order to further the country's economic and social development and in a manner that guarantees the fulfilment of the international commitments assumed by the State in the nuclear sphere. Non-peaceful uses, not only by non-State actors, but also by any person, legal or natural, who engages in activities such as the transport, use, removal, diversion, receipt, trafficking, stockpiling or transfer of nuclear material or any other acts involving that material without the proper authorization are thereby prohibited. Violations are punishable by imprisonment under article VII of the current Penal Code, Act No. 62.

The aforementioned Decree-Law laid the foundations for the establishment and current functioning of the State System of Accounting for and Control of Nuclear Material (SNCC), which gives proper consideration to the importance of safeguards and associated measures and controls.

(b) Decree No. 208 (24/5/96) on the State System of Accounting for and Control of Nuclear Material which sets forth the general provisions governing SNCC and applies to all organs of the central State administration, organs of the people's power and their offices and companies and any other State, private or mixed-capital entity that uses nuclear material. It also imposes an authorization requirement for the use, production, import, export or transfer of such material.

SNCC is responsible for granting licences and authorizations to work with nuclear material as well as for accounting for and controlling such material. It establishes an internal control mechanism for nuclear material and important components listed in resolution No. 62/96 of the Ministry of Science, Technology and the Environment (CITMA) and emphasizes, inter alia, the obligation of nuclear facilities to draw up manuals on internal accounting and control procedures, measurement, registration and reporting systems and containment and supervision measures consistent with the requirements of the Regulations.

The inspectors responsible for the implementation of SNCC are vested with maximum authority to order the immediate cessation of operations involving nuclear material when an unauthorized use or a violation of the accounting and control provisions is detected or when the management of the facility has failed to take the relevant corrective measures immediately. In addition, the legislation includes an appeal mechanism in the event of irregularities.

(c) Resolution No. 62/96 (12/7/96) establishing the Regulations for Accounting for and Control of Nuclear Material, which contains the rules governing SNCC.

(d) Resolutions No. 1/96 and 64/2000 of CITMA which establish the National Nuclear Safety Centre and entrust it with the practical implementation of SNCC, respectively

15. In addition, Cuba has modern legislation in the area of terrorism which was endorsed by the national assembly of people's power on 24 December 2001 and which, inter alia, criminalizes trafficking in certain military equipment, material and dual-use technologies. Article 10 of Act No. 93, Against Acts of Terrorism, states: "Anyone who manufactures, facilitates, sells, transports, remits, introduces into the country or has in his power, in any form or place, arms, munitions or flammable, asphyxiating or toxic materials, substances or instruments, plastic or any other kind of explosives or chemical or biological agents or any other element from which products of the nature described or any other similar substance or explosive or deadly substance can be developed as a result of research, design or combination, shall be subject to ten to thirty years imprisonment, life imprisonment or death".

B. Action and measures taken by Cuba at the international level in order to implement article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, including the "thirteen practical steps" adopted at the Sixth Review Conference: Cuba's considerations relating to the implementation of these measures at the global level

16. Although it was not a Party to the Treaty when the sixth Review Conference took place in 2000, Cuba welcomed the adoption of the "thirteen practical steps for the implementation of article VI". Five years on, Cuba deeply regrets the lack of tangible progress in implementing most of those steps. Indeed, a number of them have become impractical or, owing to the unilateral action of the United States, the principal nuclear power, serious doubts have arisen over their implementation.

17. Historically, Cuba has supported the establishment of an ad hoc committee on nuclear disarmament within the Conference on Disarmament. As a member of the Non-Aligned Movement, Cuba has called for the achievement of that objective and, in that connection, for the immediate commencement of negotiations on a phased programme for the total elimination of nuclear weapons within a specific time frame, including a convention on nuclear weapons. Cuba is prepared to undertake this exercise and is of the view that the inflexible position of some nuclear powers, particularly the United States, is continuing to prevent the Conference on Disarmament from establishing an ad hoc committee on nuclear disarmament.

18. Likewise, Cuba is in favour of beginning negotiations within the Conference on Disarmament on a non-discriminatory, multilateral and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other

nuclear explosive devices. Cuba is of the opinion that this treaty should represent a new step towards achieving the objective of the total elimination of nuclear weapons and, accordingly, that it must contain both non-proliferation and nuclear disarmament measures.

19. Cuba supports the establishment within the Conference on Disarmament of an ad hoc committee mandated with negotiating a treaty similar to that described in the preceding paragraph, in the context of the adoption of a programme of work for the Conference which accurately reflects the legitimate interests and priorities of all its member countries.

20. Year after year in the United Nations General Assembly, Cuba has supported many resolutions which, directly or indirectly, call for compliance with the objective of nuclear disarmament. During the fifty-ninth session of the General Assembly (2004), Cuba voted in favour of the following resolutions:

(a) Resolution 59/63 on the establishment of a nuclear-weapon-free zone in the region of the Middle East;

(b) Resolution 59/64 on the conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

(c) Resolution 59/66 on national legislation on transfer of arms, military equipment and dual-use goods and technology;

(d) Resolution 59/69 on the promotion of multilateralism in the area of disarmament and non-proliferation;

(e) Resolution 59/75 on accelerating the implementation of nuclear disarmament commitments;

(f) Resolution 59/77 on nuclear disarmament;

(g) Resolution 59/79 on reducing nuclear danger;

(h) Resolution 59/81 on the Conference on Disarmament decision (CD/1547) of 11 August 1998 to establish, under item 1 of its agenda entitled "Cessation of the nuclear arms race and nuclear disarmament", an ad hoc committee to negotiate, on the basis of the report of the Special Coordinator (CD/1299) and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices;

(i) Resolution 59/83 on the follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*;

(j) Resolution 59/85 on a nuclear-weapon-free southern hemisphere and adjacent areas;

(k) Resolution 59/102 on the Convention on the Prohibition of the Use of Nuclear Weapons;

(l) Resolution 59/106 on the risk of nuclear proliferation in the Middle East;

(m) Resolution 59/109 on the Comprehensive Nuclear-Test-Ban Treaty.

21. Cuba deeply regrets the lack of real progress towards fulfilling the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament. Indeed, since the 2000 Review Conference, there have been serious setbacks to the implementation of that commitment. The five nuclear powers recognized in the Treaty currently possess over 21,000 nuclear weapons in their arsenals. The United States alone possesses between 11,000 and 13,000 nuclear weapons, of which more than 7,000 are strategic and more than 3,000 non-strategic.

22. Cuba considers that the North American decision unilaterally to withdraw from the Treaty on the Limitation of Anti-Ballistic Missile Systems (ABM Treaty) in 2002 and begin preparations for the deployment of a new National Missile Defence system bodes ill for disarmament and arms control and is a regrettable setback to efforts to move towards nuclear disarmament. Until the United States withdrew from it, the ABM Treaty was considered an essential instrument for maintaining global strategic stability. When the Treaty was adopted in 1972, the United States had emphasized that the development of missile defence systems would trigger a defensive and offensive arms race and that there was an organic link between such weapons and global strategic stability.

23. The United States' withdrawal from the ABM Treaty has had an adverse impact on — and has indeed paralysed — processes relating to the START II and START III Treaties; that is yet another regrettable setback to efforts to reduce strategic nuclear weapons.

24. Cuba takes note of the commitments made by the Governments of the Russian Federation and the United States in 2002 to reduce non-strategic nuclear weapons and believes that those commitments should be formally set down in a legally binding instrument that establishes the irreversibility of the measures adopted and provides for verification thereof. It also believes that those commitments must not foster a general sense of complacency or divert attention away from our fundamental goal of nuclear disarmament.

25. Because of the threat that it poses to international peace and security, Cuba is extremely concerned about the development of new types of nuclear weapons and the existence of strategic defence doctrines that are underpinned even more than before by the possession and use of such weapons, such as the United States' Nuclear Posture Review and NATO's new strategic concept, both of which envisage new circumstances in which nuclear weapons can be used and extend the scope of the use, or threat of use, of force.

26. In late 2001, the Bush administration openly opposed the Comprehensive Nuclear-Test-Ban Treaty and even declared the United States' signing of the Treaty during President Clinton's mandate to be invalid thereby destroying any possibility of the Treaty entering into force in the next few years, as the United States is precisely one of the 44 States whose ratification is required for the Treaty to enter into force.

27. Cuba is firmly opposed to nuclear testing through explosions or any other means. Nuclear tests, as well as being contrary to the objective of nuclear disarmament and non-proliferation in all its aspects, are themselves a threat to international peace and security.

28. Accordingly, and in keeping with its principled positions on disarmament, Cuba actively participated in negotiations on the Comprehensive Nuclear-Test-Ban Treaty at the Conference on Disarmament, where it clearly stated what should be the letter and the spirit of the Treaty being negotiated. However, the end result did not respond to the interests and expectations of a group of countries, including Cuba, as the Treaty does not place the commitment to eliminate nuclear weapons within a specific time frame nor does it prohibit States from developing and improving nuclear weapons.

29. However, none of this changes Cuba's definitive position as regards the Treaty. For several consecutive years, Cuba has voted in favour of the resolution on the Treaty that has been submitted to the General Assembly's First Committee each year and adopted with the support of the vast majority of Member States; the only country that has voted against it has been the United States. Pending the entry into force of the Treaty, Cuba believes that all States must refrain from carrying out actions that are contrary to the objectives and aims of that Treaty.

30. Despite the uncertainty surrounding the future of this international instrument because of the opposition demonstrated by the main nuclear power, the relevant national authorities continue to give careful consideration to the possibility of Cuba's accession. Whatever the decision, it will be taken in the context of the pacifist and multilateral stance of the Cuban Government and people, and will be brought to the international community's attention at the appropriate time.

31. In 2002, Cuba not only acceded to the Treaty on the Non-Proliferation of Nuclear Weapons but also decided to ratify the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), despite the fact that the only nuclear power in the Americas maintains towards Cuba a policy of hostility that does not exclude the use of force. This step constitutes an additional contribution towards strengthening and consolidating multilateralism and international treaties on weapons of mass destruction, and a redoubling of efforts in favour of nuclear disarmament. Cuba strongly supports the establishment of nuclear-weapon-free zones in various countries and regions of the world, on the basis of agreements freely negotiated between the States of the region concerned. Nuclear-weapon-free zones reinforce nuclear non-proliferation and contribute to achieving the objective of nuclear disarmament.

32. As for concerns that weapons of mass destruction, including nuclear weapons, could be used in terrorist acts, Cuba is firmly convinced that the most effective and sustainable way of preventing this happening is to achieve the total elimination of these weapons. Against this backdrop, the full, immediate and unconditional implementation of article VI of the Treaty is fundamental.

33. Cuba also considers that such concerns should be addressed within the framework of legally binding international instruments on disarmament and non-proliferation that already exist and in the relevant international organizations, in which the vast majority of countries participate. Cuba will therefore continue to cooperate and take concrete action in connection with these international treaties and bodies, particularly the Treaty on the Non-Proliferation of Nuclear Weapons and IAEA.

34. Imposing non-transparent mechanisms of selective composition that operate outside the United Nations and international treaties is definitely not the right way

to tackle the phenomenon of international terrorism, including that relating to the use of weapons of mass destruction, their means of delivery or related materials.

35. Cuba therefore considers that the Proliferation Security Initiative (PSI) erodes the international unity that should exist in the area of non-proliferation and counter-terrorism and, in practice, seeks to usurp the role of the United Nations and the international treaties and intergovernmental bodies that already exist in the area of disarmament and arms control. This Initiative violates — in its design and in the way in which it is implemented — the fundamental principles enshrined in the Charter of the United Nations and recognized in international law, such as non-interference in the internal affairs of States, sovereign equality between all States and the non-use or threat of use of force against the territorial integrity or political independence of any State. It also violates the basic provisions of a number of international treaties, such as, the United Nations Convention on the Law of the Sea.

36. Closely related to the issue of international cooperation to combat terrorism globally, Cuba attaches particular importance to its swift reaction to the call by the Secretary-General of the United Nations, in 2001, for Member States to accede to all existing conventions and protocols relating to terrorism. Cuba immediately deposited all the instruments of ratification required to that end, thereby demonstrating its strong political will to contribute to international efforts to combat this scourge by taking specific action.

III. Conclusions

37. Cuba fully complies with all the obligations and commitments undertaken in the international treaties to which it is a State party, including those in the area of disarmament, non-proliferation and arms control.

38. As regards the Treaty in particular, Cuba has demonstrated through concrete acts its political will strictly to comply with each and every one of its provisions, including those relating to article VI. Cuba is firmly convinced that achieving the objective of nuclear disarmament must continue to be the international community's top priority in the area of disarmament and arms control.

39. Cuba reiterates its willingness to work together with the other States parties to the Treaty, particularly those belonging to the Movement of Non-Aligned Countries, to achieve compliance with all the provisions of this legal instrument and thereby contribute to the international community's efforts in favour of peace, security and a world free from nuclear weapons and the enormous danger that their mere existence represents.

40. The seventh Review Conference provides a unique opportunity to reaffirm and extend the unequivocal undertaking by the nuclear-weapon States to eliminate all their nuclear arsenals in a transparent, irreversible and verifiable manner and for all States parties to the Treaty to set themselves new goals for achieving that objective.

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2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament"

Report submitted by the Republic of Korea

As stated in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.2000/28 (Parts I and II)), in paragraph 15, subparagraph 12 of the section entitled "Article VI and eighth to twelfth preambular paragraphs", the Conference agreed upon the submission of regular reports, within the framework of the strengthened review process for the Non-Proliferation Treaty, by all States parties on the implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and objectives for nuclear non-proliferation and disarmament". Pursuant to this decision, the Republic of Korea hereby submits its updated report to the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The present report follows the first and second reports of the Republic of Korea to the Preparatory Committee for the 2005 Review Conference, submitted in 2003 and 2004 respectively.

1. The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) remains the cornerstone of the global non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament. Under current circumstances, in which cases of non-compliance with the Treaty and its safeguards systems and the emergence of a clandestine international network for the procurement of nuclear materials and technology have undermined the integrity and credibility of the Treaty, and in light of the growing threat of nuclear terrorism amid the recent increase in terrorist activities around the world, the need to fortify and preserve the efficacy and integrity of the Treaty has become more crucial than ever.

2. As a non-nuclear-weapon State, the Republic of Korea continues to abide by its commitment, pursuant to the Treaty, not to receive the transfer of, receive control over, manufacture or acquire nuclear weapons or other nuclear explosive devices.

3. The Final Document of the 2000 NPT Review Conference marked a significant achievement in the field of nuclear disarmament. The guidelines laid out in the Final Document serve not only as a measuring stick to gauge progress in this field, but

also as a road map for achieving the ultimate goal of nuclear disarmament. Since the adoption of the Final Document in 2000, expectations have been ever-increasing for progress on the implementation of disarmament and transparency measures on the part of the nuclear-weapon States. The five nuclear-weapon States should put their unequivocal commitment to disarmament into action by making systematic and progressive efforts. However, it should also be recognized that nuclear disarmament is a dynamic and complex process that is inextricably connected to the international security environment.

4. The Republic of Korea attaches great importance to the achievement of an early entry into force of the Comprehensive Nuclear-Test-Ban Treaty. The Republic of Korea signed the Treaty when it opened for signature on 24 September 1996 and deposited its instrument of ratification on 24 September 1999. The Republic of Korea continues to encourage other States to ratify this Treaty, particularly those States whose ratification is necessary for its entry into force at the earliest possible date. In an effort to promote the early entry into force of the Treaty, the Republic of Korea has served as a friend of the Chair for the facilitation of the Treaty's early entry into force. It is our firm belief that existing moratoriums on nuclear testing by all countries must be maintained, while sustained support is being accorded to the early establishment of the effective monitoring mechanism of the Comprehensive Nuclear-Test-Ban Treaty Organization. In this regard, the Republic of Korea is actively participating in the development of the International Monitoring System of the Comprehensive Nuclear-Test-Ban Treaty, particularly through the cooperation of its seismological monitoring station, one of the primary stations in the North-East Asian region.

5. The Republic of Korea attaches great importance to the Conference on Disarmament as the single multilateral forum for negotiating disarmament agreements. It is regrettable that the Conference has not yet been able to break the impasse that has kept it from beginning substantive work. As a next logical step towards nuclear disarmament and non-proliferation, it is imperative for the Conference to begin negotiations immediately on a universal and verifiable fissile material cut-off treaty.

6. The Republic of Korea fully supports the essential role of the International Atomic Energy Agency (IAEA) as a competent authority responsible for the verification and assurance of compliance with NPT obligations. The Republic of Korea continues to urge those States which have not yet done so to bring into force comprehensive safeguards agreements with IAEA. To strengthen the Agency's effectiveness in verifying compliance and detecting actions of non-compliance, it is important to promote the universality of the Additional Protocol to the IAEA Safeguards Agreement. For its part, the Republic of Korea notified IAEA on 19 February 2004 of the completion of its internal procedure for the ratification of the Additional Protocol. As a result, the Republic of Korea has become the thirty-ninth country to bring the Protocol into force. Pursuant to the Additional Protocol, the Republic of Korea submitted its initial declarations to the IAEA Director General on 17 August 2004.

7. The Republic of Korea welcomes progress on the development and implementation of nuclear-weapon-free-zone agreements. At the fifty-ninth session of the General Assembly, the Republic of Korea lent its support to resolutions establishing or consolidating nuclear-weapon-free zones. Furthermore, the Republic

of Korea continues to uphold its commitments to the Joint Declaration on the Denuclearization of the Korean Peninsula adopted in 1992.

8. The Republic of Korea welcomes the entry into force in June 2003 of the Treaty between the United States and the Russian Federation on Strategic Offensive Reductions (Moscow Treaty). It is expected that such progress in bilateral nuclear reductions agreements will facilitate similar disarmament initiatives in the future.

9. The Republic of Korea joined in the Group of Eight Global Partnership in 2004 to support international efforts to prevent the spread of weapons and materials of mass destruction. The Republic of Korea allocated US$ 500,000 for Global Partnership projects for 2005 and another US$ 710,000 for the International Science and Technology Centre in Moscow for 2004-2005.

10. The Republic of Korea recognizes that strengthening relevant export control regimes is a useful step towards the effective prevention of nuclear proliferation. These mechanisms should continue to be strengthened. As of 1 January 2003, the Government of the Republic of Korea introduced the catch-all system into its legal framework and has been implementing it accordingly. The Republic of Korea also made every effort to strengthen the nuclear export control regime during its chairmanship of the Nuclear Suppliers Group from May 2003 to May 2004 and since then has actively participated in activities of the Group's Troika to contribute to that end.

11. The Republic of Korea supports Security Council resolution 1540 (2004) to deal with the illicit trafficking of weapons of mass destruction, their means of delivery and related materials. Pursuant to the resolution, the Republic of Korea submitted its first implementation report on 27 October 2004.

12. The Republic of Korea also attaches great importance to the Missile Technology Control Regime as a means of preventing the spread of missiles and related technologies that can be used for the delivery of weapons of mass destruction. The Republic of Korea joined the Regime in March 2001 and has held its chairmanship since October 2004, when the 19th plenary meeting of the Regime was held in the Republic of Korea.

13. In December 2004, in cooperation with the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific, the Republic of Korea hosted its third annual Jeju Process on Disarmament and Non-Proliferation. The theme for 2004 was "How to address challenges in the field of disarmament and non-proliferation today".

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Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons

Report submitted by Lithuania

Article I

1. Lithuania views the Treaty on the Non-Proliferation of Nuclear Weapons as the cornerstone of the global nuclear non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament. An effective implementation of article I by nuclear-weapon States plays an essential role to curb proliferation of nuclear weapons or other nuclear explosive devices.

Article II

2. Lithuania abides by its commitment under the Treaty on the Non-Proliferation of Nuclear Weapons not to receive the transfer of, receive control over, manufacture or acquire nuclear weapons or a nuclear explosive capability. Non-proliferation efforts are guided by the EU Strategy against Proliferation of Weapons of Mass Destruction of December 2003.

3. Furthering its commitment to sound export controls and prevention of proliferation in all its aspects of nuclear, chemical and biological weapons, Lithuania joined all major export control regimes, namely, the Nuclear Suppliers Group, the Australia Group and the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies. Membership in the Missile Technology Control Regime (MTCR) is pending a decision by MTCR members. Before membership in EU, Lithuania passed a new Law on the Control of Strategic Goods on 1 May 2004, which now includes provisions on brokering, transfer of intangible items, and the like.

4. With the assistance of IAEA and other organizations, Lithuania has taken the necessary measures to improve the national physical protection system of radioactive materials. Improvements in the physical protection system of high-activity sealed radioactive sources in five Lithuanian personal health-care institutions of an oncological profile have been made.

5. The physical protection system in the Maišiagala nuclear waste repository was modernized. The Maišiagala repository, since 1963 operated by the Soviet military, was closed in 1988, but high-risk radioactive sources, including caesium, still remain buried at the site. An account of the buried materials has been maintained since 1973, yet information for 10 preceding years is missing. A modern monitoring and diversion detection system has been installed at the site.

6. In 2004, with the assistance of the United States of America, an investigation of orphan sources was conducted in those former industrial and military enterprises of the Soviet Union that used radioactive sources in their operations.

7. With a view to implementing the IAEA Code of Conduct on the Safety and Security of Radioactive Sources, appropriate changes were made in the legislative framework which regulates the requirements for the physical protection and safety of such sources.

8. Additional measures were taken to secure contaminated beryllium at the Ignalina Nuclear Power Plant (NPP), and radiation detection capabilities were enhanced.

9. Since the accession of Lithuania to EU, the accounting and control of nuclear materials has been regulated by the European Commission's Regulation on the Application of European Atomic Energy Community (EURATOM) Safeguards. Lithuania is subject to IAEA and EURATOM safeguards. The role of the State System of Accounting for and Control of Nuclear Materials is carried out by the Lithuanian Nuclear Power Safety Inspectorate (VATESI). The system of accounting of nuclear materials is maintained and nuclear inventory change reports are submitted to IAEA and the European Commission.

10. All sources of ionizing radiation and radioactive substances imported and stored in Lithuania as well as exported from Lithuania are recorded on the accounting system that is maintained by the Radiation Protection Centre. Information is collected, accumulated, systemized and analysed in the State Register of Sources of Ionizing Radiation and Exposure of Workers.

Article III

11. Lithuania seeks to implement the EU Common Position on the universalization of the main multilateral non-proliferation agreements, adopted in November 2003 and supports universalization of the IAEA Additional Protocol and recognizes that, together with the Comprehensive Safeguards Agreement, the Additional Protocol is now the verification standard under the Treaty on the Non-Proliferation of Nuclear Weapons.

12. Lithuania has been implementing the provisions of the Additional Protocol for four years now and IAEA noted in the Safeguards Implementation Report for 2003 that the Agency found no indication of diversion of nuclear material or of undeclared nuclear material and activities.

13. After Lithuania became a member of the European Union in May 2004, a transition from a bilateral safeguards agreement with IAEA and its Additional Protocol to the trilateral ones between the EU non-nuclear-weapon States, EURATOM and IAEA was required. Implementation of an integrated safeguards approach should soon follow in Lithuania.

14. Since Lithuania's accession to the European Union on 1 May 2004, the inspections under the EURATOM safeguards have been carried out by European Commission inspectors.

Article IV

15. Under the commitment undertaken by Lithuania in the process of accession to the European Union, on 31 December 2004 Unit 1 of the Ignalina NPP was shut down. The decommissioning programme has been set.

16. The spent fuel has been stored on the Ignalina NPP site since the start of operation of the Nuclear Power Plant. No reprocessing or export of spent fuel has ever taken place. The dry storage casks for spent fuel outside Ignalina NPP were commissioned in 1999, but have been almost filled in. A new state-of-the-art dry storage facility is being designed for 50 years of operation. It will provide adequate containment and radiation shielding of fuel assemblies removed from both units of Ignalina NPP.

Article V

17. Lithuania ratified the Comprehensive Nuclear-Test-Ban Treaty in February 2000 and undertook all necessary measures to implement its provisions at the national level. Lithuania considers the Treaty an essential instrument in the global architecture of the nuclear disarmament process.

Article VI

18. The complete elimination of nuclear weapons as affirmed in the Final Documents of the 1995 and 2000 Review Conferences has been Lithuania's objective. Lithuania is convinced that accountability, transparency, irreversibility and confidence-building are fundamental principles that constitute an indispensable framework within which to further the implementation of article VI.

19. Commitments, contained in the Final Document of the 2000 Review Conference, need to be followed through. Lithuania believes that the issue of non-strategic nuclear weapons, among others, should be addressed as a matter of priority. Verifiable reductions in these weapons are an integral part of the nuclear arms control and disarmament process. It is important to fulfil the 1991 and 1992 Presidential Nuclear Initiatives and report regularly on their implementation.

20. A fissile material cut-off Treaty constitutes the next logical step on the multilateral nuclear non-proliferation and disarmament agenda. Lithuania calls upon the immediate commencement of negotiations without preconditions on a non-discriminatory, multilateral and internationally and effectively verifiable fissile material cut-off treaty.

21. Lithuania supported the Proliferation Security Initiative, which proved to be an effective means to tackle illicit trafficking in weapons of mass destruction and their means of delivery in accordance with national legislation and the respective provisions of international law.

22. Lithuania supports Security Council resolution 1540 (2004), calling for effective measures by all States to prevent non-State actors from acquiring nuclear

weapons. Lithuania submitted its report under that resolution in 2004 (S/AC.44/2004/(02)/26).

Article VII

23. While not a member itself of a nuclear-weapon-free zone, Lithuania welcomes and encourages progress to develop and implement nuclear-weapon-free zone agreements consistent with international law and the Disarmament Commission guidelines.

Article VIII

24. The indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons and accompanying decisions adopted in 1995 included a commitment to a strengthened Treaty review process. Regular reporting on implementation of the Treaty on the Non-Proliferation of Nuclear Weapons proved to be enhancing the performance of and the accountability under the Treaty.

Article IX

25. Universal adherence to the Treaty on the Non-Proliferation of Nuclear Weapons is a core objective. Lithuania deplored the announcement by the Democratic People's Republic of Korea of its intention to withdraw from the Treaty and continued to urge it to return to full compliance with its international non-proliferation obligations under the Treaty, including its Safeguards Agreement with IAEA.

Article X

26. Lithuania believes it is important that States should not be able to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons and then continue to enjoy the benefits of nuclear technologies or facilities acquired while they remained Parties to the Treaty.

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Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons

Report submitted by the People's Republic of China

China strictly abides by the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and has been making unremitting efforts in promoting the three NPT goals of: non-proliferation of nuclear weapons, progress in nuclear disarmament and promotion of peaceful uses of nuclear energy. In response to the request of the NPT 2000 Review Conference, the Chinese Government hereby submits to this conference the following report on its implementation of the Treaty:

I. Non-proliferation of Nuclear Weapons

China has all along adhered to the policy of not advocating, encouraging or engaging in the proliferation of nuclear weapons and not assisting other countries in development of nuclear weapons. China has strictly fulfilled its non-proliferation obligations under NPT and firmly opposed proliferation of nuclear weapons by any country in any form.

1. China has earnestly undertaken its international obligations, supported and participated in international cooperation in nuclear non-proliferation and has committed itself to the building of a nuclear non-proliferation regime.

Upon joining the International Atomic Energy Agency in 1984, before its ascendance to NPT, China undertook to fulfil the IAEA safeguards obligations under the Statute for the purpose of preventing proliferation of nuclear weapons. In this context, the Chinese Government declared in 1985 to subject voluntarily its civilian nuclear facilities under IAEA safeguards and signed the Agreement between the People's Republic of China and the IAEA for the Application of Safeguards in China in 1988. So far, the Chinese Central Government has offered some nuclear facilities for IAEA Safeguards. In December 1998, China signed the Protocol Additional to the IAEA Safeguards Agreement and in March 2002 it formally completed the domestic legal procedures necessary for the Additional Protocol to enter into force. China has thus become the first nuclear-weapon state where the Additional Protocol has been taken effect.

In November 1991, the Chinese Government announced that it would, on a continuing basis, notify the IAEA of China's export to or import from a non-nuclear-weapon state of any nuclear material of over one effective kilogram. In July 1993, China formally undertook to voluntarily notify the IAEA of all its import and export of nuclear materials as well as its export of nuclear equipment and related non-nuclear materials.

In May 1996, China undertook not to provide assistance to any foreign nuclear facilities not under IAEA safeguards, in terms of nuclear export, personnel exchanges and technical cooperation among others. In October 1997, China became a full member of the Zangger Committee. In June 2004, China joined the Nuclear Suppliers Group.

China supports Resolution 1540 of the UN Security Council and has submitted the national report on its implementation of the resolution.

China has supported the international efforts against nuclear terrorism and played an active role in the formulation of the International Convention for the Suppression of Acts of Nuclear Terrorism. China actively supported and actively participated in the negotiation to amend the Convention on the Physical Protection of Nuclear Material. China has supported the international efforts to tighten the control of radioactive sources and been an active participant at the Conference on the Security of Radioactive Sources held in Vienna in March 2003.

2. In recent years, the Chinese Government has, in pursuit of the rule of law, constantly strengthened and improved the legal system of nuclear export control to ensure the effective enforcement of its non-proliferation policy.

China has exercised stringent control and administration over nuclear export, unswervingly abided by the three principles governing nuclear export: peaceful uses only, acceptance of IAEA safeguards, and no retransfer to any third party without prior approval of the Chinese side.

In 1987, the Chinese Government promulgated the Regulations on the Control of Nuclear Materials, introducing a licensing system for nuclear materials. The Regulations identified a body for supervision and control of nuclear materials and its duties and responsibilities in this area, specified methods for nuclear material control, procedures for application for, and examination and issuance of nuclear materials licenses, and provided for management of nuclear materials accounting, the accountancy of nuclear materials, physical protection of nuclear materials, and relevant incentives and punishments.

In May 1997, the Chinese Government issued the Circular on Questions Concerning Strict Implementation of China's Nuclear Export Policy, explicitly stipulating that the nuclear materials, equipment and related technologies exported by China shall in no way be provided to or used in nuclear facilities that are not subject to IAEA safeguards.

In September 1997, the Chinese Government promulgated the Regulations on the Control of Nuclear Export, stipulating that no assistance, in whatever form should be provided to nuclear facilities that are not under IAEA safeguards; that no entities should engage in nuclear exports ,except for those designated by the State Council; and that the State should implement a nuclear export licensing system. The Regulations also provide for a rigorous examination system for nuclear export, severe punishments for violation and a comprehensive and detailed control list.

In June 1998, the Chinese Government promulgated the Regulations on Export Control of Nuclear Dual-Use Items and Related Technologies, instituting strict controls on the export of nuclear dual-use items and related technologies and a licensing system for related exports. It established an exporters registration system, procedures for the processing and approval of exports, and punishments for violations of the Regulations.

With regard to nuclear export control system, China has adopted internationally accepted practices, including exporters' registration, end-user and end-use certification, licensing system and list control method. The control lists under the Regulations on the Nuclear Export Control and on the Export Control of Nuclear Dual-Use Items and Related Technologies encompass all the items and the technologies listed by the Zangger Committee and the Nuclear Suppliers Group. The principles and scope of China's nuclear export control are thus consistent with international practice. In face of new developments, China is currently reviewing and improving the above mentioned regulations and other export-control-related legislations to include the "Catch-All" Principle, and to make acceptance of IAEA full-scope safeguards a precondition for nuclear export. The Chinese Government has also made an effort to ensure effective enforcement of the relevant regulations through such measures as dissemination of information and training.

The Amendments to the Criminal Law of the People's Republic of China adopted in December 2001 define illegally manufacturing, trafficking and transporting radioactive substances as criminal offences and punishable by the Criminal Law. The Chinese Government has authorized the Commission of Science, Technology and Industry for National Defense (COSTIND), to exercise control of nuclear export in coordination with other relevant government departments.

In February 2002, the Chinese Government promulgated the Provisions on Safeguard and Supervision of Nuclear Import & Export and Nuclear Cooperation with Foreign Countries.

On 3 December 2003, the Chinese Government issued a white paper entitled China's Non-Proliferation Policies and Measures, which gives a comprehensive account of China's policies on prevention of nuclear proliferation including non-proliferation measures, export control systems, export control laws and regulations, responsibilities of relevant departments for export control and mechanism for their coordination, and for investigation and handling of violations.

II. Nuclear Disarmament

China has all along strictly complied with its disarmament obligations under NPT and made an earnest effort to promote international nuclear disarmament process, and for an ultimate complete prohibition and thorough destruction of all nuclear weapons and for a world free of nuclear weapons.

China stands for the complete prohibition and thorough destruction of all nuclear weapons and the conclusion of an international legal instrument for this purpose. To eliminate nuclear weapons eventually, China proposes the following,

First, all the parties should establish a security concept based on mutual trust, mutual benefit, equality and cooperation so as to create a favorable regional and international environment for nuclear disarmament.

Second, nuclear disarmament should contribute to the maintenance of international strategic stability and should be based on the principle of undiminished security for all.

Thirdly, nuclear disarmament should be carried our through a just and reasonable process of gradual reduction towards a downward balance. To create conditions for other nuclear-weapon states to participate in the multilateral disarmament process, states possessing the largest nuclear arsenals bear special responsibility for nuclear disarmament and should take the lead in reducing their nuclear arsenals drastically and in a legally binding manner. The nuclear weapons thus reduced should be destroyed and should not be diverted from deployment to stockpiling.

As a nuclear-weapon state and a permanent member of the United Nations Security Council, China has never shunned away from its own obligations in nuclear disarmament. On the contrary, it has undertaken nuclear disarmament responsibilities that other nuclear-weapon states have not yet undertaken or are not willing to undertake.

1. China advocates a complete prohibition and thorough destruction of nuclear weapons and strictly observes its nuclear disarmament obligations. China is the only nuclear-weapon state to advocate a complete prohibition and thorough destruction of nuclear weapons. China was forced to develop nuclear weapons under special historical circumstances and for the sole purpose of self-defence. On the very first day when it possessed nuclear weapons, China issued a solemn statement and proposed to hold a world summit to discuss the issue of complete prohibition and thorough destruction of nuclear weapons.

Over all these years, China has exercised great restraint in the development of its nuclear weapons in terms of both scale and upgrading. From the first nuclear test in 1964 to the moratorium on nuclear weapon tests in 1996, China conducted fewer nuclear tests than all other nuclear-weapon states. It has never taken part in any nuclear arms race or deployed any nuclear weapons outside its territory.

Since the beginning of 1990s, China has gradually cut back on its nuclear weapons development program. The nuclear weapon research and development site in Qinghai was closed, transformed into a civilian facility and handed over to the local government in May 1995 after environmental clean-up.

2. China sticks to the policy of not to be the first to use nuclear weapons and is opposed to the nuclear deterrence policy based on the first use of nuclear weapons. China is the only nuclear-weapon State among the five that has adopted the no-first use policy. On 16th October 1964, when it conducted its first nuclear test, China solemnly declared to the world that it would not be the first to use nuclear weapons at any time or under any circumstances. No matter of facing of nuclear threat or nuclear blackmail during the Cold War or in face of the drastic changes in the post-Cold-War international security environment, China has never deviated from its commitment.

China has worked hard with other nuclear-weapon states for the conclusion of a multilateral treaty on no-first-use of nuclear weapons. In January 1994, China formally presented a draft "Treaty on Mutual No-First-Use of Nuclear Weapons" to the other four nuclear-weapon states, and has since sought to reach arrangements with other nuclear-weapon states on a bilateral basis for mutual no-first-use of nuclear weapons and non-targeting of such weapons against each other.

In September 1994, head of state of China and Russia issued a statement in which to commit to mutual no-first-use of nuclear weapons and non-targeting of such weapons against each other. On 27th June 1998, China and the United States announced their decision no to target nuclear weapons at each other. In April 2000, the five nuclear-weapon states issued a joint statement announcing that they would not target their nuclear weapons at any countries.

3. China also undertakes unconditionally not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. In April 1995, China issued a statement reaffirming its unconditional negative security assurances to all non-nuclear-weapon States and its commitment to offering them positive security assurances. In 2000, China and other four nuclear-weapon states issued a joint statement reaffirming the security assurance commitment in the UN Security Council Resolution 984 adopted in 1995.

At the request of Ukraine and Kazakhstan, the Chinese Government issued statements on security assurances to the two countries in December 1994 and February 1995 respectively .

China has called upon other nuclear-weapon States to unconditionally provide both negative and positive security assurances to all non-nuclear-weapon states and to conclude an international legal instrument to this end as soon as possible. China actively supports the efforts by Conference on Disarmament in Geneva to establish an ad hoc committee on negative security assurances and start substantive work and negotiations in this regard without delay.

4. China supports the efforts of non-nuclear-weapon states to establish nuclear-weapon-free zones and believes that the establishment of nuclear-weapon-free zones is conducive to preventing proliferation of nuclear weapons and promoting regional and global peace and security. China supports and respects the establishment of nuclear-weapon-free zones and WMD-free zones on the basis of voluntary consultations.

In 1973, China signed Protocol II to the Treaty for the Prohibition of Nuclear Weapons in Latin American and the Caribbean. In 1983, China joined the Antarctic Treaty and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies and has undertaken the obligations thereunder. In 1987, China signed Protocols II and III to the South Pacific Nuclear Free Zone Treaty. In 1991, China joined the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof and has undertaken the obligations thereunder. In 1996, China signed Protocols I and II to the African Nuclear-Weapon-Free Zone Treaty.

China supports the efforts made by the ASEAN countries to establish a nuclear-weapon-free zone and has reached agreement in principle with ASEAN on the relevant issues in the Southeast Asia Nuclear-Weapon-Free Zone Treaty. China stands ready to sign the Protocol when it is open to signature. China supports the efforts made by five Central Asian countries to establish a nuclear-weapon-free zone in the region. China has no difficulty with the current text of the relevant treaty and its protocol, and is willing to sign at an early date after an agreement is reached among the parties concerned on the text. China supports the efforts made to establish a zone free of nuclear weapons and other WMDs in the Middle East, and hopes that the goal will be achieved at an early date. China joined the consensus at the various sessions of the United

Nations General Assembly on resolutions on establishing nuclear-weapon-free zone in the Middle East. China respects and welcomes Mongolia's nuclear-weapon-free status.

5. China firmly supports the Comprehensive Test Ban Treaty and actively participated in the negotiation of the Treaty, making significant contribution to the conclusion of the Treaty. As a nuclear-weapon state and one of the 44 Annex II countries, China is well aware of its special responsibility for promoting the entry into force of the Treaty. In 1999, the Chinese Government completed its review of the CTBT and submitted the Treaty to the National People's Congress, which is now reviewing the CTBT in accordance with the relevant procedures. China took an active part in all the three Conferences on Facilitating Entry into Force of the Treaty and invited the Special Representative of the States Parties to Promote the Ratification Process of the CTBT and the Executive Secretary of the Provisional Technical Secretariat (PTS) of the Prep.Com. of the CTBTO to visit China, and exchanged views with them on promoting the early entry into force of the Treaty. China will continue to honour its commitment to a moratorium on nuclear-weapon test explosions.

China is taking an active and constructive part in all the work of the Preparatory Commission of the CTBT Organization. China is earnestly preparing for the national implementation of the Treaty, and has set up a specialized agency to prepare for national implementation of the Treaty, including the construction, operation and management of International Monitoring System stations with Chinese territory.

China has undertaken the construction of 12 stations, including 6 seismic stations, 3 radionuclide stations, 2 infrasound stations and 1 radionuclide laboratory. At present, construction of the 2 primary seismic stations and radionuclide stations have been almost completed, the radionuclide laboratory is under construction, the site survey for the infrasound stations has completed, and the National Data Center is also nearing completion. At present, China is discussing with the PTS about the Facility Agreement.

China has taken an active part in the negotiations on the on-site inspection operational manual and other operational manuals. Chinese experts have been studying the on-site inspection techniques provided for in the CTBT, and has developed a prototype mobile Ar-37 monitoring system which can be used to quickly detect underground nuclear explosions.

China hosted a Seminar on Regional Cooperation, an On-Site Inspection Workshop and an IMS Training Course in cooperation with the PTS for three consecutive years.

In recent years, China has co-sponsored the CTBT resolutions in the First Committee of the General Assembly of the United Nations.

6. In order to promote the international nuclear disarmament process, China opposes the deployment of weapon systems in outer space, and is of the view that missile defence systems that disrupt global strategic balance and stability should not been deployed. It calls on the international community to negotiate an international legally binding instrument to prohibit the deployment of weapon systems in outer space and the threat or use of force against objects in outer space.

In June 2002, China and the Russian Federation, together with VietNam, Indonesia, Belarus, Zimbabwe and the Syria Arab Republic, submitted to the Conference on Disarmament (CD) a working paper entitled “Possible Elements for a Future International Legal Agreement on the Prevention of the Deployment of Weapons in Outer Space, the Threat or Use of Force Against Outer Space Objects”(CD/1679), which attracted attention from all sides. China and Russia will continue to refine the working paper so as to lay a solid foundation for the negotiations on the international legal instrument within an ad hoc committee on the prevention of an arms race in outer space to be established by the CD.

In April 2002, China and the United Nations Department of Disarmament Affairs jointly sponsored a major international seminar on arms control and disarmament issue in Beijing. Participants engaged in in-depth discussions on the prevention of arms race in outer space. On 21st and 22nd March 2005, China, the Russian Federation, UNIDIR and the Simons Foundation of Canada jointly sponsored an international seminar on "Safeguarding Space Security: Prevention of an Arms Race in Outer Space" in Geneva. More than 150 officials, experts and scholars from 65 members states of the CD held in-depth discussions on wide-ranging topics, including the legal means, for preventing an arms race in outer space as well as monitoring and verification issues.

China has for years co-sponsored the resolution on Prevention of an Arms Race in Outer Space(PAROS) in the First Committee of the General Assembly of the United Nations.

7. China supports multilateral efforts on nuclear disarmament. China supports the establishment of an ad hoc committee in the CD to carry out substantive work on nuclear disarmament, security assurance, and PAROS. China is in favor of an early agreement on a program of work for the CD that is accepted for all sides, including commencement of negotiations on a multilateral, non-discriminatory and verifiable treaty banning the production of fissile material for nuclear weapons or other explosive devices (FMCT) in accordance with the mandate contained in the Shannon Report. On 7 August 2003, China declared that it would accept the Five Ambassadors’ Proposal on the CD’s program of work, which is supported by a vast majority of countries in the CD.

China supports the intermediate nuclear disarmament measures proposed by non-nuclear-weapon states, and is ready to consider the implementation of these measures at an appropriate time and under appropriate conditions as the nuclear disarmament process progresses.

Over the years, China has been the only nuclear-weapon state which has cast affirmative votes on the important nuclear disarmament resolutions of the General Assembly of the United Nations, such as those entitled “Towards a Nuclear-Weapon-Free World: the Need for a New Agenda”, “Nuclear Disarmament”, “Convention on the Prohibition of the Use of Nuclear Weapons”, “Follow-up to the Advisory Opinion of the International Court of Justice on the Legality of the Threat of Use of Nuclear Weapons” and “Conclusion of Effective International Arrangements to Assure Non-Nuclear-weapon states against the Use or Threat of Use of Nuclear Weapons”.

III. Peaceful uses of nuclear energy

While China supports the efforts of preventing the proliferation of nuclear weapons, it also devotes itself to international cooperation on peaceful uses of nuclear energy, and holds the view that non-proliferation should not prejudice the rights to the peaceful use of nuclear energy by any country, developing countries in particular.

1. Since its accession to the IAEA in 1984, China has devoted itself to the realization of the two main objectives set by the Statute of the IAEA, namely, the prevention of nuclear proliferation and the promotion of international cooperation in peaceful uses of nuclear energy.

China actively participates in the negotiation and drafting process of relevant international conventions in the nuclear field. China has signed or acceded to 13 international conventions and agreements in this field and took an active part in the drafting of and consultations on the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management. China has initiated work towards acceding to the Convention.

China supports and actively participates in the IAEA's technical cooperation activities and pays its assessed contribution to the Technical Cooperation Fund in full and on time every year. Following the principle of "active participation, give and take", China has contributed human, material and financial resources to the Agency's technology cooperation activities, while receiving the Agency's assistance in return. As of the end of 2003, China has provided voluntary contribution of 13 million dollars, 2,000 person-times training and experts services, and hosted over 200 IAEA's events.

In September 2004, in addition to paying its assessed contribution in full to the Technical Cooperation Fund, China contributed US $ 1 million to support the Agency's technical cooperation activities in Asia and Africa.

China always actively supports and takes part in the IAEA's activities in the field of nuclear safety. In October 2004, China hosted an international conference with the IAEA on the subjects of the safety of nuclear facilities and discussed relevant issues on improving the safety of nuclear facilities in light of changes in the current situation.

2. China is consistent in upholding the principles of mutual respect for sovereignty, equality and mutual benefit as it actively engages in international cooperation in the peaceful uses of nuclear energy. It has established mutually beneficial cooperation and economic exchanges with many countries that promote common development.

So far, China has signed intergovernmental agreements of cooperation in the peaceful uses of nuclear energy with nearly 20 countries. These agreements have laid down the foundation for exchanges and cooperation in the nuclear field between China and those countries.

China has carried out extensive and fruitful exchanges and cooperation with many developed countries, including personnel exchanges, equipment and technology acquisition and trade. China has exported nuclear materials to the United States, Japan and Canada, among others, and has acquired nuclear power plant equipment and technology from France, Canada, Russia, Japan and the Republic of Korea as well.

As a developing country with some industrial nuclear capability, China attaches great importance to cooperation with other developing countries and always tries to provide them with assistance to the best of its ability. For example, China has cooperated with Pakistan to build the Chashma nuclear power plant, exported neutron-source mini-reactors to Ghana and Algeria, and helped Ghana build a centre for tumour treatment. These projects have been carried out either under the strict IAEA safeguards or as IAEA technical cooperation projects.

The Chinese Government actively supports all kinds of activities aimed at promoting nuclear technology development and peaceful uses of nuclear energy. In October 2002, China successfully hosted the 13th Pacific Basin Nuclear Energy Conference in Shenzhen. That was the second time for China to host the conference. The conference made a positive contribution to the development of peaceful uses of nuclear energy not only in this region but the whole world as well.

3. China attaches great importance to the development of peaceful uses of nuclear energy, adheres to the principle of sustainable development, coordinates the scale of development of nuclear energy with that of other energy sources and pays attention to the rational utilization of resources and the treatment and disposal of radioactive waste. It also strives to balance of economic efficiency with technological progress, and short-term development with mid- and long-term development. The development of nuclear energy will drive the development of related domestic industries and technological progress, thus promoting the all-round progress in science and technology as well as economic and social development.

Since the early 1980s, nuclear power, as the primary peaceful use of nuclear energy, has been developing at a fast pace in China. At present, the total capacity of nuclear power plants in operation and under construction in China amounts to 9,000,000 KW. The nuclear power plants in operation have been running well. To achieve sustainable economical and environmental development, nuclear power, as a clean and safe source of energy, will play an increasingly important role in China's future energy structure. In nuclear power development, China will stick to the principle of "cooperate with international partners while we ourselves play the major role, importing technologies while promoting domestic contents", actively carry out international cooperation, study and acquire advanced technologies in various ways.

4. The Chinese Government has all along taken effective measures to ensure nuclear safety, safeguard the health of the workers and the general public, and protect the environment. Learning from international experiences, China has established fully functional nuclear safety management, monitoring and emergency response systems. China's nuclear industry has maintained a good record in terms of safe operation and environmental protection. There have been no mishaps.

China has enacted a number of laws and regulations in this regard, for instance, "Regulations of the People's Republic of China on Civil Nuclear Establishment Safety Surveillance", "Regulations of the People's Republic of China on Nuclear Material Control", and "Regulations for the Emergency Management of Nuclear Accidents at Nuclear Power Plants". In October 2003, the Chinese Government further enacted "the Law of the People's Republic of China on Radioactive Pollution Prevention and Control", which specifies the procedures for the prevention and control of radioactive pollution in activities relating to the operation of nuclear facilities, the use of nuclear technology, uranium mine exploration and exploitation and the management of radioactive waste, and so on. China is speeding up the legislative work on its Law on Atomic Energy to promote healthy and comprehensive development of its atomic energy industry.

China supports the Code of Conduct for the Safety and Security of Radioactive Sources of the IAEA, and has informed the Director General of the IAEA that China is initiating work to amend the "Regulation on the Protection against Radioactive Isotopes and Devices with Radioactive Emission" and to draw up "Procedures for the Safe Management of Radioactive Sources" and "Provisions for the Management of Accidents Involving Radioactive Sources" in accordance with the requirements and principles set forth in the Code of Conduct.

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2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Steps to advance the Middle East peace process and to promote the establishment of a nuclear-weapon-free zone in the Middle East

Report submitted by the People's Republic of China

China has always followed closely the situation in the Middle East, attached importance to advancing the Middle East peace process, and actively supported the efforts for the establishment of a nuclear-weapon-free zone in the Middle East. In accordance with the provisions of the Final Documents of the 2000 NPT Review Conference, China now reports on the steps taken to advance the Middle East peace process and to promote the establishment of a nuclear weapon-free zone in the Middle East

1. China supports and is committed to all multilateral efforts to advance the Middle East peace process

As a permanent member of the Security Council, China always follows closely the development in the Middle East situation and works vigorously to facilitate and promote the peace process. Through bilateral and multilateral channels and in many different ways, China has always advocated peace talks, urging Israel and Palestine to resolve their territorial disputes through political negotiations. By so doing, China has played a unique role in facilitating the Middle East peace process.

(1) Vigorous Efforts by Chinese leaders to promote peace talks

During his visit to Israel and Palestine in April 2000, the then President Jiang Zemin focused on advocating peace talks to leaders of Israel and Palestine and emphasized that "peace is the most precious". In the same month, President Jiang Zemin met Egyptian President Mubarak in Alexandria. While laying emphasis on the principle of "land for peace", President Jiang pointed out that national reconciliation between the Arab and Jewish nations leading to peace in the Middle East was an inexorable trend of history, and that to settle the Middle East question, it was imperative to advocate peace talks rather than use of force, cooperation rather than confrontation, understanding and tolerance rather than hostility and exclusion. The goal of Middle East peace process should be to respect the territorial integrity and sovereign independence of the countries concerned, to restore the legitimate rights of the Palestinian people, including their right to statehood, and to ensure that different nations live together in harmony.

In 2001, the then Chairman Li Peng of the National People's Congress, the then Chairman Li Ruihuan of the National Committee of the Chinese People's Political Consultative Conference, and the then Vice President Hu Jintao paid separate visits to the Middle East countries and tried to bring the relevant parties around. In 2002, during their visits to West Asian and North African countries and when receiving leaders from those countries in China, the then President Jiang Zemin, the then Premier Zhu Rongji and other Chinese leaders gave targeted explanations of China's principled stand on the Middle East question. In 2003, when talking with foreign leaders in person or on the phone, President Hu Jintao and other Chinese leaders expounded China's stand on the Middle East peace process to them and tried to bring them around.

In addition, the Chinese Foreign Minister engaged in consultation and coordination with his counterparts of Israel, Palestine, Egypt, the United States, Russia, the United Kingdom, and France as well as leaders from the Arab League and the Organization of Islamic Conference through phone calls and correspondence on numerous occasions.

(2) China' s propositions for resolving the Middle East question

China has on many occasions put forward its views and propositions in light of the particular situation of the Middle East peace process in different historical periods. At the end of 1997, during his visit to five Middle East countries, the then Vice Premier and Foreign Minister Qian Qichen put forward propositions on solving the Middle East question. He emphasized that the Middle East peace talks should be based on the relevant UN resolutions, and should observe the "land for peace" principle adopted at the Madrid Peace Conference. He also called for the abandonment of terrorism and violence of all forms, closer regional economic cooperation and the realization of common development and prosperity.

In December 2001, Foreign Minister Tang Jiaxuan reiterated China's views on the Middle East question during his visit to Lebanon, Syria, Jordan, Egypt and the headquarters of the Arab League. He stressed that China was opposed to Israel's abuse of force against Palestine and called for an end to Israel's occupation of Arab territories and restoration of the legitimate national rights of the Palestinian people on the basis of the relevant UN resolutions, while at the same time ensuring Israel's security. He also appealed to the international community to increase its attention for and input to the Middle East question, with the Security Council playing a bigger role.

(3) Mediation by the Special Envoy on the Middle East question

In September 2002, responding to the appeal of countries in the Middle East, especially the Arab states, China set up the post and appointed its Special Envoy on the Middle East question in order to further strengthen contacts and communications with the countries concerned in the Middle East and with the international community and to better help realize peace in this region at an early date.

In November 2002, Special Envoy Wang Shijie made his first trip for peace to the Middle East. He visited Egypt, Lebanon, Syria, Jordan, Israel and Palestine and held talks with the "Quartet" Special Envoys visiting this region from the United States, the European Union, Russia and the United Nations.

In May 2003, the Chinese Special Envoy paid a visit to Israel and Palestine and expounded to them China's basic views on the Middle East question. He stressed that China welcomed and supported the "Road Map" Peace Plan for the Middle East; appealed to both sides to immediately stop the exchange of violence and endless reprisals, and reiterated China's support for the establishment of an independent Palestinian state at an early date, and emphasized the necessity to respect the Palestinian people's right to independently choose their political system and to respect their legitimate leaders chosen through democratic election. He also called for the establishment of a fair, authoritative and effective international monitoring mechanism. In November, the Special Envoy visited Syria, Egypt, Lebanon, Saudi Arabia, Palestine and Israel and met with the Special Representative of the UN Secretary General in south Lebanon. Also in that year, the Special Envoy attended the international meeting of the Geneva Initiative, expressing support for a peaceful resolution of the Middle East question.

In June and September 2004, the Special Envoy visited Egypt, Lebanon, Israel, Syria, Jordan and Palestine, emphasizing China's fair and balanced position on the Middle East question, which was taken seriously by all parties concerned. The EU, France and Russia have repeatedly expressed their willingness to strengthen consultation and coordination with China over this question.

In March 2005, the Special Envoy visited Palestine, Israel, Egypt as well as Russia to exchange opinions on peace-promoting efforts.

(4) Recent peace-promoting activities

When Chairman Arafat of the Palestinian National Authority passed away at the end of 2004, President Hu Jintao sent message of condolences to the Palestinian side, Vice President Zeng Qinghong visited the Palestinian Embassy in China to offer condolences and Vice Premier Hui Liangyu attended Arafat's funeral as the Special Envoy of President Hu. In December, State Councilor Tang Jiaxuan paid purposeful visits to Palestine and Israel, to work on both sides in light of their specific concerns. He put forth a four-point proposition on resolving the Middle East question, i.e., building mutual trust, resuming peace talks, restarting the "Road Map" Plan, and establishing an independent Palestine state. He stressed that the "Road Map" Peace Plan for the Middle East was a practical and feasible plan to resolve the question at the current stage, and that the legitimate national rights of the Palestinians should be respected and an independent Palestinian state be established as early as possible, while the security of Israel is also fully guaranteed. Active efforts should be made to bring about a comprehensive and lasting peace in the Middle East. As the peace process progresses, economic cooperation among countries in the region should be strengthened and peace and stability in the region should be in order to eventually achieve harmonious coexistence between the Arab and Jewish nations. The international community should intensify its peace-promoting efforts. He stated clearly that China supported a bigger role for the UN, especially the Security Council, including through the convening of an international conference on the Middle East question to rally more extensive international support for the Middle East peace process.

For a long time, China has been providing support and assistance to the Palestinian side within its capacity. In 2004, China provided RMB70 million worth of assistance of various kinds to Palestine.

In January 2005, at the invitation of the Palestinian side, China sent an observer mission to Palestine for the election of the Chairman of the Palestinian National Authority. Through exchanges with Palestinian officials at different levels, the Chinese side expressed clearly that China attached great importance and gave firm support to the Palestinian election. In March 2005, Deputy Foreign Minister Dai Bingguo attended the "London Conference on Supporting the Palestinian National Authority". At the Conference, he elaborated on China's policy on the Middle East question at present and reiterated the four-point proposition presented by State Councilor Tang Jiaxuan in his recent trip to Palestine and Israel.

2. China supports efforts towards establishing the Middle East Nuclear-Weapon-Free Zone

China has long been unconditionally committed to no use or threat of nuclear weapons against non-nuclear-weapon countries or nuclear-weapon-free zones, and has always supported the efforts of countries in various regions to establish nuclear-weapon-free zones on a voluntary basis through consultation. In its statement upon accession to NPT in 1992, China made a solemn appeal that "nuclear-weapon states undertake to support propositions of establishing nuclear-weapon-free zones, respect the status of such zones and undertake corresponding obligations."

China holds that the establishment of nuclear-weapon-free zones is conducive to preventing the proliferation of nuclear weapons and strengthening the international non-proliferation regime. Proliferation of nuclear weapons would be more dangerous in regions with tension. For this reason, China has unequivocally supported the Middle East countries in their efforts to establish the Middle East Nuclear-Weapon-Free Zone from the very start, believing that it would contribute to easing tension in the region and facilitating the settlement of the Middle East question.

China has been supporting the efforts in establishing the Middle East Nuclear-Weapon-Free Zone within the framework of the United Nations. Every year since 1974, the UN General Assembly has adopted the Egypt-sponsored resolution on the establishment of the Middle East Nuclear-Weapon-Free Zone. Egyptian President Mubarak has also put forth an initiative to establish a Middle East WMD-Free Zone and appealed to all countries in the Middle East to make vigorous efforts and conduct serious negotiations to this end. China has consistently supported those resolutions and the initiative. China also supports the decision on the Middle East Question adopted by the 1995 NPT Review Conference.

China has actively promoted the establishment of the Middle East Nuclear-Weapon-Free Zone at the bilateral level. In high-level meetings with leaders of Middle East countries, China has time and again expressed its appreciation of their efforts towards establishing the nuclear-weapon-free zone, and has consistently maintained its unambiguous position supporting the establishment of such a zone.

In December 2003, Libya decided to abandon its WMD programmes, which included nuclear weapons. China took this decision favorably, believing that it would contribute to upholding the international non-proliferation regime as well as promoting peace and stability in the region. China also joins the international community in supporting a proper settlement of the Iran nuclear issue through dialogue within the framework of IAEA. To this end, China supports the ongoing negotiation between Iran and three EU members to work out a long-term settlement plan for the Iran nuclear issue. China believes that Israel's accession to NPT and acceptance of IAEA safeguards for all its nuclear facilities would be of great significance to achieving the goal of full accession by Middle East countries to NPT and reinforcing the international non-proliferation regime.

China is ready to work with the international community to make continued efforts for and contribution to the achievement of peace in the Middle East and the establishment of the Middle East Nuclear-Weapon-Free Zone at an early date.

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Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, taking into account the conclusions in the Final Document of the 2000 Review Conference and paragraph 4 (c) of the 1995 Decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament

Report submitted by the Netherlands

Introduction

1. This paper contains a substantive report of the steps undertaken by the Netherlands to implement article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and paragraph 4 (c) of the 1995 Principles and Objectives. As the most recent elaboration of the obligations embodied in article VI and the Principles and Objectives is contained in the 13 practical steps of the Final Document of the 2000 NPT Review Conference, the report focuses on these practical steps, in particular those related to nuclear disarmament, for which non-nuclear-weapon States also bear responsibility. It is clear that only the nuclear-weapon States bear a special responsibility for implementing all steps.

Step 1: The Comprehensive Nuclear-Test-Ban Treaty

2. The Netherlands has worked towards entry into force of the Comprehensive Nuclear-Test-Ban Treaty in two ways: by actively supporting the work of the Preparatory Commission for the Treaty Organization in Vienna in implementing the Treaty's verification mechanism, and by promoting signature and ratification of the Treaty. The Netherlands belonged to the group of original co-sponsors of the joint ministerial statement (A/57/586, annex) on the early entry into force of the Treaty, issued on 14 September 2002 during the general debate of the fifty-seventh session of the General Assembly. The Netherlands, together with Japan, Finland and Australia, undertook to reinforce this effort on 23 September 2004 during the general debate at the fifty-ninth session of the General Assembly with a new joint ministerial statement (A/59/550, annex), co-sponsored by over 30 countries,

repeating the call for the early entry into force of the Treaty. The Netherlands also voted in favour of General Assembly resolution 59/109 on the Comprehensive Nuclear-Test-Ban Treaty.

3. The Netherlands participated actively in the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty (Article XIV Conference) in 2003. The Conference decided, inter alia, to create the function of a Special Representative to further promote the entry into force of the Treaty. Ambassador Jaap Ramaker of the Netherlands was subsequently appointed as Special Representative. The Government of the Netherlands provides financial assistance to the Special Representative to fulfil his task. The Netherlands furthermore participated in the efforts undertaken in the framework of the European Union late in 2004 to achieve early entry into force of this Treaty through diplomatic démarches in non-signatory and non-ratifying countries.

Step 2: Test moratorium

4. Although strictly speaking a step to be taken by the nuclear-weapon States, it is clear that, pending entry into force of the Comprehensive Nuclear-Test-Ban Treaty, test moratoriums gain in importance. That is why, for the Netherlands, insistence on a test moratorium is part and parcel of our diplomatic efforts promoting the Treaty.

Step 3: Negotiations on a fissile material cut-off treaty

5. The Netherlands has supported several initiatives, in particular the initiative of the so-called Five Ambassadors, that could provide the basis for a work programme in the Conference on Disarmament and could subsequently lead to the immediate commencement of negotiations leading to a treaty to stop the production of fissile material for nuclear weapons and other nuclear explosive devices (fissile material cut-off treaty). The Netherlands co-sponsored General Assembly resolution 59/81 in 2004, supporting early start of negotiations on a fissile material cut-off treaty in the Conference on Disarmament. During its recent presidency of the Conference in the beginning of 2005, the Netherlands launched ideas to promote consensus on a mandate for such negotiations. The Netherlands will continue to apply maximum flexibility in the discussions on a work programme of the Conference, which should finally allow these negotiations to really start.

6. In the meantime, the Netherlands has remained active in relation to the issue of fissile material, in order to try to implement the agreements reached at both the 1995 and 2000 NPT Conferences on this important next multilateral step on the road to nuclear disarmament. For this reason, the Netherlands initiated in Geneva a series of open-ended informal meetings of an informative and educational nature on the issue of fissile material for nuclear weapons and other nuclear explosive devices. The purpose of this exercise is to better prepare delegations in Geneva for the actual negotiations in the Conference on Disarmament on a fissile material cut-off treaty. So far the Netherlands has organized six meetings on various relevant topics: the relevance of a fissile material cut-off treaty for nuclear disarmament and nuclear non-proliferation, the scope of a fissile material cut-off treaty, the relationship between International Atomic Energy Agency (IAEA) safeguards and a fissile

material cut-off treaty, and stockpiles of fissile material. Reports of these meetings have been circulated as official documents of the Conference on Disarmament. The Netherlands will continue this exercise as long as the negotiations have not commenced.

Step 4: Nuclear disarmament in the Conference on Disarmament

7. Once the Conference on Disarmament has agreed upon a programme of work, attention should also be given to nuclear disarmament. The proposal to establish a subsidiary body in the Conference to deal with this subject was originally made by a group of States including the Netherlands.

Step 5: Irreversibility

8. Irreversibility is important for multilateral and bilateral arms control alike. Although **agreeing** on bilateral nuclear arms reductions is primarily the responsibility of the nuclear-weapon States, international stability and security are best served by **irreversible** reductions. It has been a consistent element in the approach of the Netherlands towards nuclear reduction talks to emphasize the importance of irreversibility. The Netherlands therefore welcomes the Moscow Treaty of 2002 between the United States of America and the Russian Federation, in which reductions of strategic offensive nuclear weapons have been laid down in a legally binding document. This in itself promotes irreversibility. The Netherlands welcomes the entry into force of this Treaty, and encourages both the United States and the Russian Federation to report to the Review Conference on the implementation of the undertakings laid down in the Treaty.

Step 6: The unequivocal undertaking

9. The Netherlands considers the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under Article VI, as one of the major achievements of the 2000 NPT Review Conference. While acknowledging the nuclear-weapon States for the steps they have taken so far to reduce their nuclear arsenals (by dismantling nuclear weapons, destroying fissile material and closing down production facilities), the Netherlands has been encouraging the nuclear-weapon States to continue their efforts in this respect. In the context of nuclear disarmament, the Netherlands co-sponsored, voted in favour of, or supported the following General Assembly resolutions:

- Resolution 59/63: Establishment of a nuclear-weapon-free zone in the region of the Middle East
- Resolution 59/65: Prevention of an arms race in outer space
- Resolution 59/73: Mongolia's international security and nuclear-weapon-free status
- Resolution 59/75: Accelerating the implementation of nuclear disarmament commitments

- Resolution 59/76: A path to the total elimination of nuclear weapons
- Resolution 59/85: Nuclear-weapon-free southern hemisphere and adjacent areas
- Resolution 59/106: The risk of nuclear proliferation in the Middle East
- Decision 59/513: Establishment of a nuclear-weapons-free zone in Central Asia
- Decision 59/514: United Nations conference to identify ways of eliminating nuclear dangers in the context of nuclear disarmament.

Step 7: The Treaty on Strategic Offensive Arms (START) and the Treaty on the Limitation of Anti-Ballistic Missile Systems (ABM)

10. Strictly speaking, START and ABM are a bilateral issue, but of course this issue is of interest to the whole NPT community. The Netherlands believes that in looking at the implementation of this step we should take the changed international circumstances into account. Instead of focusing on the demise of ABM we must look to the future. The Netherlands is encouraged by the new strategic framework that has been negotiated between the Russian Federation and the United States, and the prominent place strategic nuclear reductions take therein, building on the START process, and welcomes the entry into force of the Moscow Treaty. In this context, the Netherlands supported General Assembly resolution 59/94 concerning bilateral strategic nuclear arms reductions and the new strategic framework. We will continue to argue for measures regarding verification, transparency, predictability and irreversibility to form part of any ensuing agreement.

Step 8: The Trilateral Initiative

11. The Netherlands has been encouraging the trilateral parties — the Russian Federation, the United States and IAEA — to conclude and implement the Trilateral Initiative. This Initiative is an important contribution to enhancing confidence and trust, and should be used in full.

Step 9: International stability and undiminished security

12. The implementation of the elements making up step 9 is primarily the responsibility of the nuclear-weapon States. Nevertheless, the Netherlands has always emphasized the importance of two of these elements — accountability and transparency, and non-strategic nuclear weapons — in the context of the United Nations, the Conference on Disarmament and the Treaty on the Non-Proliferation of Nuclear Weapons and during bilateral discussions on nuclear disarmament.

13. The Netherlands has been strongly advocating increasing accountability and transparency with regard to nuclear arsenals. At the last NPT Review Conference, in 2000, the Netherlands introduced proposals in this respect, together with Belgium, Germany, Italy and Norway. Regarding transparency, according to the original proposals, such measures could include a commitment by the nuclear-weapon States to make known periodically the aggregate numbers of warheads, delivery systems

and stocks of fissile material for military purposes in their possession and their nuclear policies. Some of the nuclear-weapon States have already allowed for a good degree of transparency. It is the sincere hope of the Netherlands that these States will further their efforts in being transparent regarding their nuclear arsenals. The Netherlands calls on the other nuclear-weapon States to also become more transparent on their nuclear arsenals.

14. However, transparency on nuclear issues not only applies to the "haves"; it also applies to the "have-nots". Comprehensive Safeguards (IAEA document INFCIRC/153) constitute a bare minimum. Concluding an Additional Protocol to Safeguards (INFCIRC/540) with IAEA is also an important way of being transparent. The Netherlands has done so. The Netherlands is of the opinion that the Comprehensive Safeguards together with an Additional Protocol constitutes the verification standard. We urge all those States that have not yet signed or ratified such an Additional Protocol to do so without delay.

15. We also believe that the reduction of warheads and non-strategic nuclear weapons should take place in a transparent and irreversible way. Increased transparency with regard to tactical or non-strategic nuclear weapons could be a first step and would be an important confidence-building measure.

16. As party to the Treaty on the Non-Proliferation of Nuclear Weapons and as a member of the North Atlantic Treaty Organization (NATO), we feel a special responsibility in relation to the issue of non-strategic nuclear weapons. Since the end of the cold war, NATO has significantly reduced the number of tactical nuclear weapons in its arsenal. What remains deployed in Europe is only a very small proportion of the original numbers that were there 10 or more years ago. More than 80 per cent of these weapons were actually eliminated. Their readiness is presently measured in weeks and months rather than in hours and days. The purpose of the remaining non-strategic nuclear weapons held by NATO is fundamentally political. Within NATO, a process has started between the Alliance and the Russian Federation to give appropriate attention to the question of non-strategic nuclear weapons. The dialogue that is now starting will hopefully lead to measures that will promote mutual confidence, transparency and stability.

17. The Netherlands, together with Belgium and Norway, submitted working papers at the second and third sessions of the Preparatory Committee for the NPT Review Conference (NPT/CONF.2005/PC.II/WP.17 and NPT/CONF.2005/PC.III/WP.25) which aimed to support and assist the chairs of the respective sessions of the Preparatory Committee, and ultimately the chair of the 2005 Review Conference, in their efforts to develop consensus language on a number of relevant issues. In the preparations for the Review Conference, interested countries were invited to make additional comments and further develop substantive elements of the document, as orally announced by the authors at the second and third sessions of the Preparatory Committee, as well as by the Minister for Foreign Affairs of the Netherlands in his speech to the Conference on Disarmament on 15 March 2005. The initiators however invite all other interested parties to co-sponsor a revised version of this working paper at the present Review Conference.

Step 11: General and complete disarmament

18. The Netherlands continues to be active on almost all non-nuclear arms control and disarmament issues, including biological weapons, chemical weapons, missiles, landmines, explosive remnants of war and small arms and light weapons.

Step 12: Reporting

19. This report constitutes fulfilment by the Netherlands of this obligation.

Step 13: Development of verification

20. On the development of verification capabilities to assure "compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world", as step 13 puts it, the Netherlands participated in various seminars and discussions. The Netherlands also supported General Assembly resolution 59/60 on verification in all its aspects, including the role of the United Nations in the field of verification.

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Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament"

Report submitted by Turkey

Introduction

1. Turkey favours global overall disarmament and supports all efforts in the field of sustaining international security through arms control and disarmament.

2. Turkey does not possess any weapons of mass destruction and has no intention to develop programmes for acquiring weapons of this kind. In this spirit, Turkey became a party to the Treaty on the Non-Proliferation of Nuclear Weapons in 1979 and to the Comprehensive Nuclear-Test-Ban Treaty in 2000. Turkey has also been a party to both the Chemical Weapons Convention since 1997 and the Biological Weapons Convention since 1974. In 1996, Turkey became a founding member of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-use Goods and Technologies. Turkey joined the Missile Technology Control Regime in 1997, the Zangger Committee in 1999, and the Nuclear Suppliers Group and the Australia Group in 2000.

3. Non-proliferation and disarmament are mutually reinforcing processes that require continuous and irreversible progress on both fronts. Turkey remains fully committed to the implementation of article VI of the Treaty and of the 1995 decisions and the Final Document of the 2000 Review Conference, in particular the 13 Practical Steps. Turkey's views on the 13 steps are as follows.

Entry into force of the Comprehensive Nuclear-Test-Ban Treaty

4. Turkey attaches utmost importance to the entry into force of the Comprehensive Nuclear-Test-Ban Treaty at the earliest possible date. Turkey calls upon all States that have not yet signed and ratified the Treaty to do so without delay and unconditionally, in particular the 11 States whose ratification is required for entry into force.

Moratorium on nuclear test explosions

5. Pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, Turkey urges all States to abide by a moratorium on nuclear test explosions and to refrain from any action that would be contrary to the obligations and provisions of the Treaty.

Negotiations on the Fissile Material Cut-off Treaty

6. Turkey regrets that the Conference on Disarmament has not been able to adopt a programme of work since 1998. Turkey hopes that the current stalemate can be overcome with a balanced programme of work that includes, in accordance with the Shannon Mandate, negotiations on a non-discriminatory, multilateral and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. Turkey believes that such a step would make a significant contribution to nuclear non-proliferation and disarmament.

Subsidiary body on nuclear disarmament

7. Turkey recognizes the necessity of establishing an appropriate subsidiary body in the Conference on Disarmament with a mandate to deal with nuclear disarmament, and also supports the proposals for the immediate establishment of such a body.

Irreversibility in nuclear disarmament

8. Turkey is of the view that the application of the principle of irreversibility to nuclear disarmament is an indispensable component of the international arms reduction process.

Nuclear-weapon States — Total elimination of arsenals

9. Turkey considers that an unequivocal undertaking by all nuclear-weapon States, as well as the non-Nuclear Proliferation Treaty States with nuclear capabilities, to eliminate their nuclear arsenals is a fundamental prerequisite for achieving the common goal of general and complete nuclear disarmament.

START and the ABM Treaty

10. While welcoming the Treaty on Strategic Offensive Reductions, signed in Moscow in 2002, Turkey also believes that reductions in strategic nuclear arsenals should be rendered transparent, irreversible and verifiable, in accordance with the goals and principles agreed upon under START II and START III.

Trilateral Initiative

11. Turkey supports the completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.

International stability and security

12. Turkey recognizes the importance, as security assurances and confidence-building measures, of nuclear-weapon-free zones freely arrived at, and of unilateral

declarations of nuclear-weapon States against the use or threat of use of nuclear weapons against States parties to the Non-Proliferation Treaty which do not possess such weapons.

13. In addition, as pointed out in Security Council resolution 984 (1995), Turkey recognizes "the legitimate interest of non-nuclear-weapon States parties to the Treaty to receive security assurances". As also pointed out in the same resolution, Turkey believes that the concerns of non-nuclear-power States are legitimate, and that, "in conjunction with their adherence to the Treaty, further appropriate measures [should] be undertaken to safeguard their security". While recognizing the continuing value of confidence-building measures such as unilateral declarations of nuclear-power States, Turkey believes that the further measures mentioned above should be legally binding security assurances and that these measures will complement and strengthen the Non-Proliferation Treaty regime.

14. As part of strengthening international stability and security, Turkey also attaches utmost importance to the value of zones free of weapons of mass destruction, established on the basis of arrangements among the States of the concerned region. Turkey calls upon the States of the Middle East to establish an effectively verifiable zone free of weapons of mass destruction and their means of delivery.

15. Turkey also welcomes the announcement by the five Central Asian States on their reaching an agreement on the text of a nuclear-weapon-free zone treaty in February 2005.

Transfer of nuclear fissile material from military use to peaceful nuclear activities

16. Turkey urges all nuclear-weapon States to transfer, as appropriate, nuclear fissile material in their arsenals from military use to peaceful nuclear activities under IAEA safeguards, in the framework of the voluntary safeguards agreements.

General and complete disarmament

17. In resolution 984 (1995), the Security Council urged all States, as provided for in article VI of the Non-Proliferation Treaty, to pursue negotiations in good faith on effective measures relating to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control.

18. In this context, complete nuclear disarmament must remain as a viable ultimate goal. As a non-nuclear State party to the Non-Proliferation Treaty, Turkey supports efforts towards meeting that goal, and the diminishing role of nuclear weapons in security policies; irreversibility, transparency, and verification of reductions and further non-strategic reductions.

Reporting

19. Turkey has prepared the present report for the fulfilment of its obligation stemming from the implementation of article VI of the Treaty and paragraph 4 (c) of the 1995 decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament".

Development of verification capabilities

20. Turkey considers the IAEA international safeguards system an essential part of the global nuclear non-proliferation regime. The universal adoption and implementation of comprehensive safeguards agreements, and additional protocols to them, is a prerequisite for an effective and credible safeguards system. Turkey regrets that the number of safeguards agreements and additional protocols actually in force continues to be well below expectations. Being a party to a Safeguards Agreement and the Additional Protocol thereto with IAEA, Turkey supports all initiatives to reinforce the conditions of nuclear safety and supply. In other words, the Non-Proliferation Treaty should not be misused as a cover for developing nuclear weapons.

21. Turkey observes with concern the existence of illegal networks of supply and supports Security Council resolution 1540 (2004) and the Proliferation Security Initiative.

22. Turkey supports the proposal of the Secretary-General of the United Nations that the Model Additional Protocol should be adopted as the universal norm for verifying compliance with the Non-Proliferation Treaty.

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Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament"

Report submitted by Latvia

1. In accordance with the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and its call for regular reports, within the framework of the strengthened review process for the Treaty on the Non-Proliferation of Nuclear Weapons, by all States parties on the implementation of article VI of the Treaty and paragraph 4 (*c*) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament, Latvia submits the present report.

2. Latvia continues to regard the Treaty on the Non-Proliferation of Nuclear Weapons as the cornerstone of the global non-proliferation regime, the essential foundation for the pursuit of nuclear disarmament under article VI of that Treaty and an important element in the further development of the applications of nuclear energy for peaceful purposes. Despite some recent shortcomings, the significant role played by the Treaty in preventing proliferation, furthering nuclear disarmament and promoting co-operation in peaceful uses of nuclear energy is undeniable.

3. Latvia views achieving a positive outcome at the 2005 Review Conference as a matter of great importance and is committed to contributing actively to reaching this goal.

4. In full compliance with its international obligations, Latvia faithfully abides by the principles of non-proliferation and non-acquisition of nuclear materials or equipment used for the production of nuclear weapons or any other nuclear explosive devices. Latvia has developed and is implementing a strict and effective export control system over sensitive dual use and strategic goods and technologies, including nuclear materials. Latvia cooperates with other States in order to further improve its control system so as to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials.

5. Latvia has joined the most important nuclear non-proliferation and disarmament agreements and conventions: the Treaty on the Non-Proliferation of Nuclear Weapons (1992), the IAEA Safeguards Agreement (1993), the Additional Protocol to the Agreement between Latvia and IAEA for the Application of Safeguards (2000) and the Comprehensive Nuclear Test Ban Treaty (2001). Latvia also has acceded to other important conventions:

- Convention on the Physical Protection of Nuclear Material
- Convention on Early Notification of a Nuclear Accident
- Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency
- Vienna Convention on Civil Liability for Nuclear Damage
- Convention on Nuclear Safety (2000)
- Joint Convention on the Safety of Spent Fuel Management and the Safety of Radioactive Waste Management

6. Latvia is a strong supporter of effective multilateral export control regimes. Latvia has been a member of the Nuclear Suppliers Group since 1997 and is a subscribing State to the Hague Code of Conduct against Ballistic Missile Proliferation. Latvia is furthermore willing to join the Missile Technology Control Regime.

7. Latvia pays great attention to cooperating internationally on the issues of nuclear and radioactive safety and security. High-level participants from Latvia have taken part in the work of:

- preparatory meetings of contracting parties to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste;
- sessions of the General Conference of IAEA;
- Organizational meetings and review meetings of the contracting parties to the Convention on Nuclear Safety;
- International Conference on Nuclear Power for the Twenty-First Century held on 21 and 22 March 2005 (the Latvian Minister of Environment participated in this event).

8. In recent years, Latvia has enacted a range of legislative measures to prevent the proliferation of weapons of mass destruction.

9. The Law on Circulation of Strategic Goods entered into force on 1 May 2004. It outlines the mechanism of control over the circulation of strategic goods in accordance with national and international interest and international requirements for monitoring their export, import and transit, in order to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery.

10. Any support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery is penalized under Latvian criminal law. Criminal law also incorporates a number of legal provisions for the suppression of terrorism.

11. Other important legislative acts related to non-proliferation efforts and nuclear and radiological safety include:

- Law on Prevention of the Laundering of the Proceeds from Crime
- The Administrative Code
- Law on Radiation Safety and Nuclear Safety (entered into force on 21 November 2000)

12. Enforcing the practical implementation of respective laws and regulations, nuclear and radiation control devices for road and rail transport are installed in all major border crossing points. Latvian border guards and customs officers also have a number of various radiation detection devices, including several monitors for the control of passengers and goods at Riga International Airport, as well as mobile X-ray units. Additional equipment and modern data communications systems with detectors will be set up on border crossings soon.

13. Currently there are no active nuclear facilities in Latvia. The only facility, a research reactor near Salaspils used from 1961 to 1998, is now in the process of decommissioning. A radioactive waste management strategy was adopted in 2004. About 15 per cent of the decommissioning programme has been carried out; it is estimated to be fully completed by 2010.

14. Latvia strongly supports efforts to enhance the safety and security of radioactive sources and physical protection of nuclear material at the international level. We welcome the latest IAEA activities in this regard.

15. Latvia considers the IAEA safeguards system as an essential mechanism of verifying compliance with the obligations of the Treaty on the Non-Proliferation of Nuclear Weapons. Latvia favours the universalization of the Additional Protocol and urges all the countries who have not yet signed this document to do so.

16. Latvia supports a reasonable balance between nuclear disarmament and nuclear non-proliferation, which would reduce the global nuclear threat. All countries should spare no effort to curb and fight proliferation, particularly that by non-State actors.

17. Latvia attaches great importance to achieving universality and compliance with the Treaty on the Non-Proliferation of Nuclear Weapons. Latvia is deeply concerned by the latest cases of non-compliance which are undermining the Treaty. It is a matter of utmost importance to maintain the integrity of the Treaty and enhance the confidence, transparency and credibility of the Treaty process, possible only by acting in good faith and fulfilling the Treaty obligations.

18. Latvia also feels the need to address the issue of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons. Any such case would be a serious setback for the Treaty and a huge threat to the entire global security system. Latvia holds the opinion that withdrawal must be avoided by all available means, and to this end considers it important to achieve a consensus on making conditions for withdrawal from the Treaty extremely difficult and costly.

19. Latvia considers the Comprehensive Nuclear-Test Ban Treaty a very important element of the nuclear disarmament process. We hope that the countries concerned will take action to sign and ratify the Treaty to ensure its early entry into force. In the meantime we trust that the nuclear test moratorium will be continued.

20. Latvia supports the Proliferation Security Initiative as a tool that aims to prevent trafficking of weapons of mass destruction and related material by both State and non-State actors. The fight against proliferators should be consolidated; it is important that the goals and principles of the initiative are supported by as many countries as possible, thereby reducing the proliferators' options for attaining their objectives. Latvia also supports the Global Threat Reduction Initiative and encourages all countries to become involved in related cooperation activities.

21. Latvia also welcomes the historic adoption by the Security Council of resolution 1540 on 28 April 2004, seeing it as an important step forward in addressing the threat that the proliferation of weapons of mass destruction and their means of delivery, in particular by non-State actors, poses to international peace and security, and in developing closer international cooperation on this issue. Even more important is its implementation. We call on all States who have not submitted their national reports to do so as soon as possible. We appreciate the work of the 1540 Committee and are looking forward to its report.

22. At the fifty-ninth session of the General Assembly, Latvia supported the following resolutions dealing with nuclear non-proliferation and disarmament:

- 59/63 "Establishment of a nuclear-weapon-free zone in the region of the Middle East"
- 59/73 "Mongolia's international security and nuclear-weapon-free status"
- 59/76 "A path to the total elimination of nuclear weapons"
- 59/81 "The Conference on Disarmament decision (CD/1547) of 11 August 1998 to establish [...] a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices"
- 59/85 "Nuclear-weapon-free southern hemisphere and adjacent areas"
- 59/91 "The Hague Code of Conduct against Ballistic Missile Proliferation"
- 59/94 "Bilateral strategic nuclear arms reductions and the new strategic framework"
- 59/106 "The risk of nuclear proliferation in the Middle East"
- 59/109 "Comprehensive Nuclear-Test Ban Treaty"

23. Latvia supports the efforts directed at creating nuclear-weapon-free zones and signing appropriate agreements, consistent with international law and agreements.

24. Latvia regrets that the Conference on Disarmament has not been able to start discussions on the fissile material cut-off treaty and establishment of an appropriate body to deal with nuclear disarmament, and expresses the hope that it will be able to start the work soon. Latvia submitted an application to join the Conference on Disarmament in 2004 and is willing to contribute to its work.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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National report on the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons by the Russian Federation

Introduction

1. This report has been prepared for the seventh Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and contains information on the implementation of its articles by the Russian Federation over the period that has elapsed since the sixth Review Conference was held in 2000.

2. The Russian Federation is convinced that the indefinitely extended NPT is a time-tested instrument and a sound pillar of the international security system. During the 35 years since its entry into force, the Treaty has proved its viability and has withstood many difficult tests. It continues to perform successfully its role as the most important instrument for preventing the proliferation of nuclear weapons, serve as a foundation for progress towards irreversible nuclear disarmament, and provide for international cooperation in the peaceful uses of nuclear energy.

3. The events of the past five years have demonstrated the increasing role of the NPT in averting the threat of the global spread of nuclear weapons. The timeliness of taking effective non-proliferation measures today is also dictated by the danger of weapons of mass destruction (WMD) falling into the hands of terrorists. New challenges to the non-proliferation regime, including the emergence of "black" nuclear markets, can and should be addressed within the NPT framework. The Russian Federation is ready to engage in close international partnership to counter this threat.

4. Resolutions adopted on the initiative of the Russian Federation at the fifty-seventh and fifty-eighth sessions of the General Assembly call for the development under the aegis of the United Nations of a global strategy to counter current challenges and threats. They outline specific benchmarks guiding the international community to a new security model that would be adequate to the nature of the global challenges of the twenty-first century. It is important for the NPT to secure its place as one of the key elements of this model. Our country co-sponsored Security Council resolution 1540 (2004) and the Group of Eight (G-8) Plan of Action in the

field of non-proliferation, and participates in the Proliferation Security Initiative (PSI). These steps are mutually reinforcing and aim to enhance the effectiveness of the regimes for the non-proliferation of WMD, in particular nuclear weapons.

5. On 13 April 2005, the General Assembly adopted the International Convention for the Suppression of Acts of Nuclear Terrorism. This is the first time a counter-terrorism convention includes a pre-emptive facet, addressing the situation before terrorist acts involving nuclear material and other radioactive substances are committed. The Russian Federation believes that adoption of the Convention by consensus would help unite States in their struggle against the challenges posed by terrorists to our civilization. We hope that it will be opened for signature during the 2005 summit meeting of the leaders of the United Nations Member States in New York on the occasion of the sixtieth anniversary of the Organization.

6. The tasks of countering the proliferation of WMD and combating terrorism should be dealt with in strict compliance with the norms of international law and with due account for the legitimate development and security interests of all States. We are thus convinced that the NPT should be fully and effectively implemented in years to come. In this regard we believe that the 2005 Review Conference should focus above all on a comprehensive and objective review of every aspect of the implementation of the NPT, reaffirm its viability as the most important tool for averting the threat of nuclear proliferation and reiterate the commitment of all States parties to fulfil their obligations under this Treaty, as well as agree on joint steps towards further strengthening of the non-proliferation regime in order to achieve its universalization.

7. The role of the Russian Federation in ensuring implementation of, and compliance with, the provisions and articles of the Treaty is described below:

Articles I and II

8. The Russian Federation, as a nuclear-weapon State, has strictly complied with its obligations under article I of the Treaty not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly. The Russian Federation has never in any way assisted, encouraged, or induced any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

9. The Russian Federation believes that strict compliance with article II of the Treaty is one of the main guarantees against the emergence of new nuclear-weapon States.

Article III

10. Applications of the International Atomic Energy Agency (IAEA) safeguards under this article of the Treaty is an important prerequisite for cooperation in the peaceful uses of nuclear energy.

11. The Russian Federation supports the efforts of IAEA in this field and considers it essential to further strengthen the verification role of the Agency. The Russian Federation is ready to cooperate with all interested countries to establish a special

committee on safeguards under the IAEA Board of Governors with a clear mandate within the Agency's Statute to work out a comprehensive plan for strengthening safeguards and the verification regime. The implementation of the measures provided by the Additional Protocol should aim above all to enhance the efficiency of the safeguards in non-nuclear-weapon States, reduce implementation-related costs and trace possible non-declared activities.

12. In this context we attach great importance to the introduction of a system of integrated safeguards with a view to ensuring that control measures do not become an additional burden for States implementing the Additional Protocol.

13. The Additional Protocol being in place should serve as one of the factors to be taken into account when considering nuclear export possibilities. At present the Russian Federation is willing to regard it as one of conditions for transferring sensitive nuclear technology and equipment.

14. The Russian Federation advocates further efforts to universalize the Additional Protocol and urges the States that have not yet signed or ratified it to do so as soon as possible.

15. The Russian Federation has initiated the procedure for ratifying the Additional Protocol. It will be submitted for consideration to the chambers of the Federal Assembly in the course of 2005.

16. The Russian Federation has contributed and will further contribute to strengthening the IAEA safeguards system by financing its national programme of scientific and technical support for the IAEA safeguards. Russian institutes and entities have conducted scientific, technical and analytical studies to ensure export control over nuclear material in order to prevent the proliferation of nuclear weapons.

17. Within the framework of the programme, the Russian Federation regularly sponsors international training courses for IAEA inspectors on non-destructive methods of analysis and State systems of accounting for and control of nuclear materials. With a view to improving methods of verification of undeclared nuclear activities, we conduct studies of environmental samples, as well as of contamination levels of facilities and equipment, aimed at identifying uranium and plutonium microparticles. We have streamlined and processed information which is of relevance to the purposes of the IAEA safeguards.

18. Today there exists a real danger that, under the pretext of developing nuclear power, capabilities may be created that, if necessary, could easily be used for military purposes. The Russian Federation is ready to establish strict but objective criteria that would regulate transfers of the most sensitive nuclear technology, such as uranium enrichment and chemical reprocessing of nuclear fuel. The Russian Federation itself does not transfer such technologies to non-nuclear-weapon States which do no possess them.

19. The Russian Federation regards the strengthening of multilateral export control regimes as one of the most important instruments to combat illicit trafficking in nuclear materials and technology. Enhancing their efficiency and transparency, as well as involving countries possessing relevant technologies in their operation would, in our view, prevent unauthorized transfers of controlled nuclear items and technology.

20. The national export control system of the Russian Federation is based on control lists and export regulations for the listed items which were established in conformity with the requirements of the Nuclear Suppliers Group and the Zangger Committee. We have supported their activities ever since they were created and we believe that they managed to agree on a procedure for the transfer of controlled products without infringing upon the legitimate rights of States to use nuclear power for peaceful purposes. The Russian Federation seeks further dialogue and constructive interaction with all countries, including those outside the NPT, in order to assist them in creating and improving national systems of nuclear export control.

21. The Russian Federation attaches great importance to coordinating international efforts to address the risks of nuclear and radiological terrorism. It supports consistent and universal implementation of Security Council resolution 1540 (2004) on non-proliferation, aimed at countering "black" WMD markets and preventing the risk of such weapons, related materials, technology and their means of delivery falling into the hands of non-State actors, above all terrorist organizations. The Russian Federation takes an active part in the work of the Security Council Committee established pursuant to resolution 1540 (2004) for its effective implementation.

22. The Russian Federation considers the 1979 Convention on the Physical Protection of Nuclear Material to be an effective instrument in ensuring the physical protection of nuclear material across the world. We support an early revision of the Convention aimed at making it more effective. We are ready to contribute fully to the successful outcome of the Diplomatic Conference to approve such amendments which is to be held in July 2005.

23. The Russian Federation participates in the IAEA programme to combat illicit trafficking in nuclear materials. Our country, with the support of the Agency, organizes international training courses for experts in physical protection. Since 2001, representatives of 17 countries have attended those courses.

24. The Russian Federation contributes to the maintenance of the IAEA database on illicit trafficking in nuclear materials and radioactive substances and regularly submits relevant information to be included in it.

25. The Russian Federation considers that ensuring the security and safety of radioactive sources (RS) is an important means of preventing the uncontrolled proliferation of hazardous materials used to produce, inter alia, the "dirty bomb". We support multilateral efforts in this area, in particular the resolution adopted by the IAEA General Conference in 2004. Along with other G-8 members, the Russian Federation has proposed and is carrying out a number of RS security initiatives. We support the IAEA activities aimed at ensuring secure handling of radioactive sources. We commend the adoption of the Code of Conduct on the Safety and Security of Radioactive Sources and the formulation of the Guidance on the Import and Export of Radioactive Sources. The Russian Federation is assisting IAEA in drafting the International Catalogue of Sealed Radioactive Sources and Devices, which also contributes to enhancing control over them.

26. The Russian Federation, as a major producer, consumer and exporter of radioactive sources, is actively working to establish an RS export/import control regime. We are taking steps to harmonize national norms and regulations with international principles.

27. On the initiative of the Russian Federation, the United States of America and IAEA, the International Conference on the Security of Radioactive Sources was held in Vienna in March 2003. Its participants positively assessed the implementation of the trilateral Russian Federation-United States-IAEA initiative on enhancing the security of radioactive sources through establishing adequate control and providing for search and withdrawal of "orphaned" sources, as well as processing them to a safe condition. We are in favour of expanding the initiative initially addressed to the Commonwealth of Independent States (CIS) countries to cover other regions. Under this project the Russian Federation took part in the preparation and implementation of joint United States-IAEA missions of experts to Armenia, Azerbaijan, Belarus, Kazakhstan, Moldova, Tajikistan and Uzbekistan. The missions resulted in the conclusion of a number of contracts for constructing storage facilities for highly dangerous radioactive sources and upgrading the physical protection of existing facilities, as well as for transporting radioactive sources to safe storage sites.

28. Cooperation between the Russian Federation and the United States of America with the participation of IAEA on repatriation from third countries of highly enriched uranium (HEU) fuel for research reactors of Russian and American design is especially important in the context of efforts to prevent the danger of highly enriched materials falling into the hands of terrorists. The Russian Federation has already withdrawn such fuel from Bulgaria, the Libyan Arab Jamahiriya, the Czech Republic, Romania, Serbia and Montenegro and Uzbekistan. We are currently working on or implementing similar projects on withdrawal of such fuel from six other countries. The Russian Federation supports the IAEA programme on decreasing the level of enrichment of nuclear fuel for research reactors to less than 20 per cent. Its implementation will considerably reduce the risk of HEU proliferation.

29. The Russian Federation has elaborated and put in place a sophisticated national legislative and regulatory framework for handling radioactive materials which makes it possible to reliably ensure their transportation security and meets all IAEA requirements. We are in favour of strengthening the regime governing the transportation of such materials which has been adopted by the international community. However, we consider that it should not result in the erection of artificial barriers which are often incompatible with universally recognized norms of international law.

Article IV

30. The Russian Federation believes that in the immediate future there is no alternative to the further development and improvement of the nuclear energy sector.

31. Energy consumption across the world is growing rapidly. In the second half of the twenty-first century the stocks of oil and natural gas will be virtually exhausted. The countries that have joined the Kyoto Protocol (the Russian Federation has ratified the Protocol) have undertaken to reduce emission of greenhouse gases into the atmosphere. This problem could well be solved through developing nuclear energy.

32. The Russian Federation consistently advocates broader access of the NPT member States to the benefits of peaceful nuclear energy and promotes international

cooperation in this sphere. We believe that it is crucially important to make further efforts to enhance the role and authority of IAEA, a competent and responsible organization which provides for such cooperation on a global scale. This will make it possible to strike the necessary balance between harnessing nuclear energy for peaceful purposes and strengthening the nuclear non-proliferation regime.

33. The further development of nuclear energy and its large-scale use for the purposes of economic development require a systemic approach to tackling new fundamental and complex tasks. It was with these issues in mind that, at the United Nations Millennium Summit, the President of the Russian Federation, Vladimir Putin, proposed an initiative on the sustainable development of humankind and radical ways to address the issues of non-proliferation of nuclear weapons and the environmental protection of planet Earth. In line with this initiative IAEA is implementing the International Project on Innovative Reactors and Fuel Cycles (INPRO). Its primary objective is to create nuclear energy systems that are economically competitive, environmentally safe and capable of virtually eliminating the risk of proliferation and ensuring the sustainable development of civilization.

34. The latest stage of the project, during which the methodology of a case-by-case comparison of innovative nuclear energy systems was tested, has now been completed. This methodology is already being applied to evaluate existing national nuclear energy technologies, including in terms of how well they meet the non-proliferation requirements.

35. The number of countries participating in the project has reached 22, including the European Commission, and the fact that some countries participating in this project are at the same time involved in a United States-led programme — Generation IV International Forum — calls for a closer interaction of these two projects.

36. The International Thermonuclear Experimental Reactor (ITER) project is yet another example of the Russian Federation's successful participation in multilateral cooperation in the field of the peaceful use of nuclear energy. ITER is a unique engineering project. We hope that the complex negotiations on the choice of a site will be soon completed and the project will be put on a practical track.

37. The analysis of technological aspects of promising innovations can be used for studying problems and stages of establishing an international structure of the nuclear fuel cycle (NFC), including organization of an international network of nuclear energy service providers.

38. Tackling the NFC problem on an international basis would be advantageous from the point of view of the economy, the environment and security, as well as the non-proliferation of nuclear weapons. We commend the results of the work done by the IAEA Expert Group to consider possible multilateral approaches to sensitive technologies of the nuclear fuel cycle established by the IAEA Director General Mr. El Baradei.

39. On 13-15 July 2005, the Russian Federation will sponsor an international conference on multilateral approaches to the NFC. We hope that this conference will give new impetus and content to possible areas of international cooperation in the field of nuclear technology.

40. The Russian Federation believes it essential to create an environment that would prevent the spread of sensitive NFC technologies and at the same time ensure the development of large-scale nuclear energy industry.

41. In March 2005, the State Duma of the Federal Assembly of the Russian Federation passed a law ratifying the 1963 Vienna Convention on Civil Liability for Nuclear Damage. The Russian Federation thus acknowledged the primacy of international law in regulating civil liability for nuclear damage. This step will promote our cooperation with other countries with regard to the peaceful use of nuclear energy.

42. The Russian Federation attaches great importance to ensuring the safety of its nuclear facilities, viewing it as a condition sine qua non for developing the nuclear energy industry. It actively participates in the Convention on Nuclear Safety. As mandated by the Convention, the Russian Federation prepared its national report, reflecting its compliance with the obligations to ensure nuclear safety in the country, and submitted it at the third meeting to review national reports held in April 2005.

43. We attach paramount importance to the programme of technical assistance and cooperation in IAEA activity. Over the course of many years the Russian Federation has actively cooperated with IAEA in implementing projects seeking effective use of applied nuclear technology in areas that are important for developing the economies of the Agency's member States.

44. The Russian Federation has expanded its participation in safety- and security-related projects, including projects dealing with the safety of nuclear facilities, radiation security and the safety of transportation and radioactive waste management.

45. Over the past five years the Russian Federation has met its obligations to supply Georgia with containers for storing and transferring radioactive sources, to establish a radiation control system to monitor the environment of the Armenia nuclear power plant, to remove radioisotope thermoelectric generators from Belarus and dispose of them, to upgrade and provide new equipment for the CIS oncology centres, to supply low enrichment nuclear fuel to Poland's research reactor, and has fulfilled obligations arising from other projects.

46. The Russian Federation has also been actively contributing to training skilled national personnel for other countries and conducting scientific research, which are important elements of technical assistance activities.

47. The Russian Federation is assisting the NPT developing countries in building accelerators and neutron generators; it also supplies neutron radiography units, gamma-ray treatment equipment, liquid nitrogen production units, ionizing irradiation sources, and other equipment and materials. We are willing to look into the possibility of cooperating in building low- and medium-power reactors, including mobile nuclear power stations with long-life no-reload operation. Such stations could be run and fully controlled by a supplying State. The Russian Federation is ready to proceed with the construction of a 70 mW offshore nuclear power station capable of both producing energy and desalinating water.

48. The Russian Federation is taking part in the IAEA programme to develop a network of regional international training and demonstration centres for reprocessing and storage of radioactive wastes produced as a result of applying

nuclear methods in health care, scientific research and industry. Since 1999, within the framework of this programme, the Russian Federation has hosted annual regional demonstration IAEA courses attended by CIS and East European countries.

49. The Russian Federation attaches utmost importance to developing cooperation with CIS member States in the peaceful uses of nuclear energy. It takes part in the activities of the Russian-Kazakh-Kyrgyz enterprise developing the "Zarechnoe" uranium deposit and of the Russian-Ukrainian-Kazakh enterprise manufacturing "UkrTVS" fuel assemblies, and it also contributes to enhancing security at the Armenia nuclear power station.

Article V

50. In connection with the elaboration and opening for signature of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), the Russian Federation has made the Treaty's entry into force one of the priority spheres of its work.

51. Since 1991, the year the Russian Federation proclaimed its sovereignty, it has not carried out a single nuclear explosion, and it intends to pursue this course in the future. We hope that other nuclear Powers will take a similar approach.

52. The Russian Federation ratified the CTBT in April 2000. We remain committed to this Treaty, which makes an essential contribution to strengthening the nuclear non-proliferation regime. We are convinced that a comprehensive and no-threshold ban on any nuclear explosions is an effective means of restraining the qualitative improvement of nuclear warheads.

53. Progress towards a nuclear-free world depends to a great extent on ensuring the universality of the CTBT and on the accession to it of all the States possessing nuclear-weapon ability, that is, on the early entry into force of the Treaty, and strict compliance with all its provisions. We are sparing no efforts to attain this objective. In addition to bilateral work, we consistently participate in the relevant multilateral activities. Our country co-sponsored two joint statements by the "Friends of the CTBT" Ministers for Foreign Affairs, adopted during the General Assembly session, as well as the resolutions supporting the Treaty approved in recent years by the First Committee of the General Assembly. The Russian Federation took an active part in the 2001 and 2003 Conferences on facilitating the entry into force of the CTBT, and looks forward to the next Conference to be held in New York in September 2005.

54. The Russian Federation fully supports the gradual and balanced creation of a verification mechanism within the framework of the CTBT.

55. On 22 March 2005, the Government of the Russian Federation and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) signed an Agreement on measures regarding International Monitoring System (IMS) facilities, as envisaged by the Treaty.

56. In accordance with the provisions of the CTBT, the Russian segment of the IMS comprises 6 basic and 13 auxiliary seismic stations, as well as 4 infrasound stations, 8 radionuclide stations, and 1 radionuclide laboratory (a total of 32 IMS facilities). The conclusion of the Agreement provides a reliable legal framework for expanding cooperation between the Russian Federation and the CTBTO Preparatory Commission, and also enables us to speed up work to create a Russian IMS

segment — a key element of CTBT verification — and ensure its operation before the Treaty enters into force.

Article VI

57. The Russian Federation is committed to strictly fulfilling its obligations under article VI of the Treaty. At the Conference on Disarmament in Geneva we support the establishment of an Ad Hoc Committee under agenda item 1 "Cessation of the nuclear arms race and nuclear disarmament".

58. We reaffirm the Russian Federation's commitment to a world free of nuclear weapons. An integral part of the Russian approach to the achievement of their complete elimination is a step-by-step process of nuclear arms reduction, with the condition that all the nuclear-weapon States take part in it and that the principle of undiminished security for all is observed.

59. The Russian Federation fulfils its obligations for the step-by-step reduction of its nuclear arsenals primarily within the framework of bilateral arrangements with the United States of America, as well as unilaterally. Recently this process has been gathering additional momentum. The Cold War era confrontation is now a memory of the past, and Russian-American relations are increasingly based on partnership. The two countries do not regard each other as potential adversaries. The threat of a global nuclear conflict has been eliminated, and the nuclear missile arms race has ceased. Gradual reductions of strategic offensive weapons are under way.

60. The Treaty on the elimination of intermediate-range and shorter-range missiles (the INF Treaty), of unlimited duration, remains an essential component of nuclear disarmament. Under this Treaty two classes of land-based missiles with a range of 500 to 1,000 and 1,000 to 5,500 km — a total of 1,846 intermediate-range and shorter-range missiles and 825 of their launchers — were completely destroyed, while further production and testing of such missiles was banned.

61. We continue to implement the provisions of the Treaty on the Reduction and Limitation of Strategic Offensive Arms (START).

62. Over the five-year period that has elapsed between the previous and current NPT Review Conferences, the Russian Federation reduced its strategic nuclear forces by 357 delivery vehicles and 1,740 nuclear warheads.

63. The Russian Federation has carried out reductions of its strategic nuclear arms well ahead of the schedule provided for by START. In accordance with the Treaty, as of 5 December 2001, the strategic offensive arms level should not exceed 1,600 carriers and 6,000 nuclear warheads. By that target date the actual levels were 1,136 and 5,518 pieces respectively.

64. Even though the Russian Federation has already met all of its treaty obligations in respect of reductions, it is continuing the course towards further elimination of strategic offensive arms. As is well known, the Treaty on Strategic Offensive Reductions (Moscow Treaty) provides for the obligation of the Russian Federation and the United States of America to reduce and limit their strategic nuclear warheads to an aggregate number not exceeding 1,700-2,200 by 31 December 2012.

65. The Moscow Treaty, as well as the signature of Russian-American Declaration on the new strategic relationship, of 24 May 2002, constitute a major step towards nuclear disarmament that will have a significant impact on the twenty-first century international security system as a whole. In particular, the Russian Federation and the United States confirmed in the above-mentioned Declaration "their intention to carry out strategic offensive reductions to the lowest possible levels consistent with their national security requirements and alliance obligations, and reflecting the new nature of their strategic relations". Abiding by this intention, the President of the Russian Federation, Vladimir V. Putin, has time and again reiterated our country's commitment to reduce, on a mutual basis its nuclear arsenals to a level much lower than that envisaged by the Moscow Treaty — namely to 1,500 weapons and less.

66. The Moscow Treaty basically ensures the continuity of the arms control and nuclear disarmament process and significantly contributes to the Russian Federation's implementation of article VI of the NPT.

67. The consistent efforts undertaken by the Russian Federation to reduce its nuclear weapons have by now led to elimination of 1,328 intercontinental ballistic missile (ICBM) and submarine launched ballistic missile (SLBM) launchers, 2,670 missiles, 45 strategic nuclear submarines and 66 heavy bombers. As of 1 January 2005, the Russian Federation possessed 981 deployed strategic offensive delivery vehicles and 4,732 warheads accountable under the START. Their number will be further progressively reduced. All these reductions represent a real contribution of the Russian Federation to the fulfilment of its obligations under the NPT.

68. The reduction of its non-strategic (tactical) nuclear weapons (TNW) represents a real contribution of the Russian Federation to the fulfilment of its obligations under article VI of the NPT. The Russian TNWs are now deployed only within the national territory and are concentrated at central storage facilities of the Ministry of Defence. All Russian nuclear weapons are under reliable control, and all necessary measures have been taken to prevent their unauthorized use.

69. At the same time it is important to note that the Russian Federation's non-strategic nuclear arsenal has been reduced by four times as compared to what the Soviet Union possessed in 1991. We will further reduce the level of these weapons. This process will obviously be pursued with due account for the military and strategic situation and our national security interests.

70. All nuclear weapons of the Russian Federation, including non-strategic weapons, are placed under reliable control. Their security is ensured by appropriate organizational, administrative and technical measures. Since 1991, the total number of nuclear weapons stockpiles has been reduced more than fivefold, and the number of nuclear weapons storage facilities has been cut more than fourfold. All non-strategic nuclear weapons have been moved to the central storage facilities of the Ministry of Defence of the Russian Federation. These measures made it possible to allocate the financial resources released to ensuring the reliable protection of nuclear munitions storage facilities, including use of state-of-the-art technical security means.

71. The Russian Federation has developed and implemented a range of measures to counter terrorist acts, and all nuclear and radiation hazardous facilities are regularly inspected on a complex basis in order to verify the degree of their security and preparedness to resist terrorist acts.

72. An important measure to ensure the irreversibility of the process of nuclear arms reduction is the disposal of weapon-grade fissile materials which are no longer required for defence purposes. In this connection, the Russian Federation reaffirms its commitment to dispose of 34 tonnes of weapon-grade plutonium in accordance with the bilateral agreement with the United States of America of 1 September 2000. The Russian Federation is taking steps to prepare for the implementation of the programme of weapon-grade plutonium disposal. Sufficient multilateral funding of the Russian programme remains an important prerequisite for starting the disposal. The Russian Federation is carrying out an irreversible and large-scale conversion of highly enriched uranium, left after the nuclear arms reduction, into reactor fuel — low enriched uranium, that is in non-weapon form. Since 1995 we have converted 230 tonnes of highly enriched uranium into fuel for nuclear power stations.

73. The nuclear arms reduction process and prospects for further reductions are closely connected with the implementation of the whole range of other key arms control and disarmament agreements. Implementation of the plans to deploy a Global Missile Defence system does not contribute to maintaining strategic balance in the world and adversely affects nuclear arms control and disarmament. The weaponization of outer space would also produce a negative effect, and would entail unpredictable consequences for the disarmament and arms control process and for international security in general. This would be likely to result in a new spiral in the arms race both in outer space and on earth in the nuclear missile and other spheres, which, in turn, could accelerate the proliferation of weapons of mass destruction and their means of delivery.

74. For its part the Russian Federation has repeatedly stated that it would not be the first to deploy weapons of any kind in outer space. Together with China and a number of other countries we submitted to the Conference on Disarmament in Geneva a paper on possible elements for a future international legal agreement on the prevention of the deployment of weapons in outer space.

Article VII

75. The Russian Federation welcomes the process of establishment of nuclear-weapon-free zones in various regions of the world. In our view, this is a significant contribution to the development and consolidation of the nuclear non-proliferation regime. By creating nuclear-free zones, States are promoting in a practical way the strengthening of regional and international security and the enhancement of mutual trust and understanding. In the 37 years since the signature of the Treaty of Tlatelolco, which established the first zone of the kind, the number of States covered by a nuclear-weapon-free zone regime increased several times and now exceeds 100.

76. The fact that our country has no nuclear weapons outside its national territory makes a specific contribution to the enhancement of the nuclear-weapon-free zone regime. We call upon other nuclear Powers which have not yet done so to follow suit.

77. We welcome the efforts of States to create new nuclear-weapon-free zones and are ready to support them. We are pleased that the work on the draft treaty on a nuclear-weapon-free zone in Central Asia is being finalized. We support the draft treaty negotiated by Central Asian countries in Tashkent in February 2005.

78. The Russian Federation is committed to the provisions of the resolution on the Middle East adopted at the 1995 NPT Review Conference and reaffirmed by the 2000 Conference. The developments in the Middle East are quite encouraging. The Libyan Arab Jamahiriya's voluntary renunciation of its WMD programmes, lack of convincing evidence of nuclear intentions on the part of Iraq, progress in clarifying concerns about the Islamic Republic of Iran's nuclear plans — all of this, in our view, creates favourable prospects for the establishment in the Middle East of a zone free from nuclear weapons and other WMD. As a member of the "quartet" of international mediators involved in the Middle East settlement process, the Russian Federation vigorously supports and encourages such a trend.

79. Every year our country votes in favour of the relevant General Assembly resolution. We believe that the establishment of a WMD-free zone in the Middle East meets the long-term national interests of all the States of this region and will constitute a major step towards global peace and security.

80. Implementation of the IAEA full-scope safeguards in all States of the region and their accession to the Chemical Weapons Convention and Biological Weapons Convention remain the key condition for creating such zone. We support the efforts of the IAEA Director General to continue consultations with countries of the region with a view to ensuring early application of full-scope safeguards to all nuclear activities in the Middle East on the basis of corresponding arrangements. We view this as a necessary step towards the establishment of a nuclear-weapon-free zone.

81. The Russian Federation is ready to settle the remaining issues relating to the Treaty on a nuclear-weapon-free zone in South-East Asia through dialogue between the nuclear Powers and the countries of the Association of Southeast Asian Nations (ASEAN). We believe that the issue of establishing a nuclear-weapon-free zone in South Asia which would promote stability on the entire subcontinent, also continues to be highly relevant.

82. The Russian Federation consistently supports the desire of non-nuclear-weapon States parties to the NPT to obtain legally binding guarantees which would exclude the use or threat of use of nuclear weapons against them. Achievement of this objective would strengthen the nuclear non-proliferation regime while enhancing confidence and predictability in relations among States.

83. We confirm our commitments arising from Security Council resolution 984 (1995). The Russian Federation has provided legally binding security assurances to all States which have acceded to nuclear-weapon-free zone agreements. We intend to follow the same course as new nuclear-weapon-free zones are established.

84. We do not object to the establishment at the Conference on Disarmament in Geneva of an Ad Hoc Committee with a mandate to negotiate under the agenda item entitled "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons", provided that the position stated in the military doctrine of the Russian Federation in relation to cases when such weapons may be used is taken into account.

Articles VIII, IX, X

85. The Russian Federation is pleased to note that 188 States are now parties to the NPT, which makes it one of the most widely represented international agreements.

To achieve universality of the NPT, the Russian Federation is actively working both in bilateral and multilateral formats to have India, Pakistan and Israel join the NPT as non-nuclear-weapon States. While strictly observing the provisions of article IX, the Russian Federation has not changed its position as regards the presence of nuclear weapons in India and Pakistan. We continue, in accordance with the Treaty, to consider them non-nuclear-weapon States and expect them to comply with Security Council resolution 1172 (1998).

86. As regards the announcement by the Democratic People's Republic of Korea of its withdrawal from the Treaty, the Russian Federation is taking a very active part in the process of settling the nuclear issue of the Korean peninsula.

87. Recognizing its responsibility as a party to the Treaty as well as its depositary, the Russian Federation underlines the exceptional sensitivity of the issue of the withdrawal of States from the NPT. We consider it necessary to minimize the possibility of situations where States refuse to fulfil their obligations under the Treaty. We believe that enhancing the responsibility of States for making a decision to withdraw from the Treaty in accordance with article X could be one of the ways to strengthen the NPT. This objective could be achieved through the adoption of a number of political measures and procedures which would be applied in such cases. However, such actions should not lead to a revision of the provisions of the NPT.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

11 May 2005

Original: English

New York, 2-27 May 2005

Agenda

1. Opening of the Conference by the Chairman of the third session of the Preparatory Committee.
2. Election of the President of the Conference.
3. Statement by the President of the Conference.
4. Address by the Secretary-General of the United Nations.
5. Address by the Director-General of the International Atomic Energy Agency.
6. Submission of the final report of the Preparatory Committee.
7. Adoption of the rules of procedure.
8. Election of Chairmen and Vice-Chairmen of the Main Committees, the Drafting Committee and the Credentials Committee.
9. Election of Vice-Presidents.
10. Credentials of representatives to the Conference:
    (a) Appointment of the Credentials Committee;
    (b) Report of the Credentials Committee.
11. Confirmation of the nomination of the Secretary-General.
12. Adoption of the agenda.
13. Programme of work.
14. Adoption of arrangements for meeting the costs of the Conference.
15. General debate.
16. Review of the operation of the Treaty:*
    (a) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security:

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* See NPT/CONF.2005/31.

    - (i) Articles I and II and preambular paragraphs 1 to 3;
    - (ii) Article VI and preambular paragraphs 8 to 12;
    - (iii) Article VII, with specific reference to the main issues in (a) and (b);
- (b) Security assurances:
    - (i) United Nations Security Council resolutions 255 (1968) and 984 (1995);
    - (ii) Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;
- (c) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones:
    - (i) Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7;
    - (ii) Articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV;
    - (iii) Article VII;
- (d) Implementation of the provisions of the Treaty relating to the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II:
    - (i) Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5;
    - (ii) Article V;
- (e) Other provisions of the Treaty.

17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.
18. Reports of the Main Committees.
19. Consideration and adoption of Final Document(s).
20. Any other business.

NPT/CONF.2005/31*

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

12 May 2005

Original: English

New York, 2-27 May 2005

Statement by the President in connection with the adoption of the agenda (item 16)

"It is understood that the review will be conducted in the light of the decisions and the resolution of previous Conferences, and allow for discussion of any issue raised by States Parties."

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* Reissued for technical reasons.

NPT/CONF.2005/32

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

12 May 2005

Original: English

New York, 2-27 May 2005

Statement by the delegation of Malaysia, on behalf of the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, at the plenary of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, concerning the adoption of the agenda, New York, 11 May 2005

1. The Non-Aligned States Parties to the NPT welcome the adoption of the agenda of the 2005 Review Conference of the Parties to the NPT. The agenda establishes the framework for conducting the review of the operation of the Treaty in accordance with article VIII, paragraph 3 of the Treaty, the decisions and the resolution of previous Conferences, in particular the 1995 Review and Extension Conference and the decision of the 2000 Review Conference to adopt by consensus its Final Document.

2. The Non-Aligned States Parties to the NPT reaffirm their commitment to implement — in good faith — their obligations under the Treaty as well as all the commitments agreed upon by consensus in the 1995 and 2000 Review Conferences. The Non-Aligned States Parties to the NPT urge all States Parties to implement their obligations and commitments in the same spirit.

3. The Non-Aligned States Parties to the NPT also reaffirm their commitment to ensure the successful outcome of this Review Conference.

4. The Non-Aligned States Parties to the NPT request that this present statement be circulated as an official document of this Review Conference.

NPT/CONF.2005/33

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

11 May 2005
English
Original: Spanish

New York, 2-27 May 2005

Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the principles and objectives for nuclear non-proliferation and disarmament adopted in 1995

National report of Mexico

I. Submission of regular reports

1. In accordance with the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Government of Mexico once again reaffirms that the submission of reports in compliance with article VI of the Treaty not only serves to promote the transparency and trust that are vital to the nuclear disarmament and non-proliferation process itself, but also offers an indispensable means to build international confidence in the value of the Treaty.

2. In addition, Mexico, basing its approach on the principle of an acceptable balance of mutual responsibilities and obligations of the nuclear-weapon and non-nuclear-weapon States, once again reiterates that the five nuclear-weapon States have a greater responsibility for submitting information about steps taken to comply with the obligation to pursue negotiations in good faith on effective measures for nuclear disarmament, in accordance with article VI of the Treaty.

3. Mexico submitted reports on the activities that it had conducted, as a non-nuclear-weapon State, to comply with article VI on the basis of the relevant measures adopted by the 2000 Review Conference, during the second and third sessions of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty (NPT/CONF.2005/PC.II/41, of 7 May 2003, and NPT/CONF.2005/PC.III/23, of 29 April 2004).

4. The following steps and activities have been undertaken to date.

II. Comprehensive Nuclear-Test-Ban Treaty

5. Mexico signed the Comprehensive Nuclear-Test-Ban Treaty (CTBT) on 24 September 1996 and ratified it on 5 October 1999.

6. Mexico will participate in the fourth Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty to be held in New York from 22 to 24 September 2005.

7. At the fifty-ninth session of the United Nations General Assembly, Australia, Mexico and New Zealand submitted a draft resolution entitled "Comprehensive Nuclear-Test-Ban Treaty" with a view to promoting its entry into force. The draft resolution was adopted by a large majority of Member States as General Assembly resolution 59/109 on 3 December 2004.

III. Negotiations in the Conference on Disarmament of a treaty banning the production of fissile material for nuclear weapons or other explosive nuclear devices

8. Mexico also continues to support efforts within the Conference on Disarmament to give effect to the decision by the Conference in August 1998 to establish an ad hoc committee entrusted with negotiating a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, which should also consider the issue of existing stockpiles, with a view to their destruction.

9. Mexico continues to stress the need for the nuclear-weapon States to take measures to ensure that fissile material is made available as speedily as possible to the international verification mechanism of the International Atomic Energy Agency (IAEA) or another appropriate international mechanism.

10. Under paragraph 5 of its resolution 59/75, entitled "Accelerating the implementation of nuclear disarmament commitments" and sponsored by Mexico as a member, alongside Brazil, Egypt, Ireland, New Zealand, South Africa and Sweden, of the New Agenda Coalition, the General Assembly agrees urgently to strengthen efforts towards both nuclear disarmament and nuclear non-proliferation through the resumption in the Conference on Disarmament of negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into account both nuclear disarmament and nuclear non-proliferation objectives, as well as the completion and implementation of arrangements by all nuclear-weapon States to place fissile material no longer required for military purposes under international verification.

IV. Establishment in the Conference on Disarmament of a subsidiary body with a mandate to deal with nuclear disarmament

11. Mexico continues to give full support to the efforts to ensure that the Conference on Disarmament succeeds in adopting a programme of work which includes the establishment of a subsidiary body with a mandate to deal with issues relating to nuclear disarmament.

12. Mexico maintains its position that any programme of work for the Conference on Disarmament which fails to include this issue of such interest to members of the international community would be unacceptable. Paragraph 6 of resolution 59/75 calls for the establishment of an appropriate subsidiary body in the Conference on Disarmament to deal with nuclear disarmament.

V. Principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures

13. Mexico maintains its support for the full implementation of the principles of irreversibility, transparency and verification of nuclear disarmament, including measures for nuclear arms reduction and elimination.

14. Paragraph 7 of General Assembly resolution 59/75 underlines the imperative of the principles of irreversibility and transparency for all disarmament measures.

VI. Unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States Parties are committed under article VI

15. Prior to the fifty-ninth session of the General Assembly, the Ministers for Foreign Affairs of the New Agenda Coalition countries published in the *International Herald Tribune* a joint article stating that, while non-proliferation was vital, it was insufficient in order to eliminate the nuclear peril.

16. The article states that nuclear disarmament and non-proliferation are two sides of the same coin, and that both must be strenuously pursued, because otherwise the world might soon enter into a new nuclear arms race involving new types of weapons and new arguments in favour of their use.

17. The joint article also stresses that the Non-Proliferation Treaty is a legally binding agreement, which cannot be implemented on an à la carte basis and which rests on a delicate balance between the commitments of the five nuclear-weapon States and those of the non-nuclear-weapon States. It further states that the central premise of the Treaty is that non-nuclear-weapon States should refrain from developing nuclear weapons and that, in exchange, the nuclear Powers should reduce and ultimately eliminate their nuclear weapons.

18. At the fifty-ninth session of the General Assembly, the New Agenda countries submitted in the First Committee (Disarmament and International Security) a draft resolution entitled "Accelerating the implementation of nuclear disarmament

commitments", subsequently adopted as General Assembly resolution 59/75, designed to promote the objectives of nuclear disarmament and non-proliferation.

19. The resolution calls on all States to comply fully with commitments made regarding nuclear disarmament and non-proliferation and not to act in any way that may be detrimental to nuclear disarmament and non-proliferation or that may lead to a new nuclear arms race.

20. The resolution also calls on all States to spare no efforts to achieve universal adherence to the Treaty on the Non-Proliferation of Nuclear Weapons and the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty, and calls on all States parties to the Non-Proliferation Treaty to accelerate the implementation of the practical steps for systematic and progressive efforts to achieve nuclear disarmament that were agreed upon at the 2000 Review Conference of the Parties to the Treaty.

21. General Assembly resolution 59/75 calls upon the nuclear-weapon States to take further steps to reduce their non-strategic nuclear arsenals and not to develop new types of nuclear weapons, in accordance with their commitment to diminish the role of nuclear weapons in their security policies.

22. On 2 May 2005, the New Agenda group published another article in the *International Herald Tribune*, stressing that disarmament and non-proliferation are mutually reinforcing processes and that if something does not exist, it cannot proliferate, which is why the New Agenda countries promote the total elimination of nuclear weapons.

VII. Development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world

23. Mexico has continued to participate in meetings on disarmament, arms control and non-proliferation, maintaining a firm position that verification and accountability perform a crucial role in the negotiation and implementation of agreements on nuclear disarmament and non-proliferation, as well as in all efforts designed to bring about general and complete disarmament under strict and effective international control. Paragraph 7 of General Assembly resolution 59/75 underlines the need to develop further adequate and efficient verification capabilities.

NPT/CONF.2005/34

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National report of Mexico on measures taken to implement the United Nations study on disarmament and non-proliferation education

Introduction

1. Mexico is firmly attached to its pacifist approach and is an active proponent of disarmament and non-proliferation education as an effective means of helping to achieve the vital objective of general and complete disarmament under strict and effective international control.

2. It believes it is essential and urgent to take action to promote a culture of disarmament and is calling on the international community to increase its efforts to free present and future generations from the scourge of war. Accordingly, the Mexican Government wants to make disarmament and non-proliferation education a key component of its foreign policy so that the results may be reflected in the conscience of present and future generations, to the benefit of all mankind.

3. Mexico is convinced that, as noted in the United Nations study on disarmament and non-proliferation education (A/57/124 of 30 August 2002) prepared by a Group of Governmental Experts headed by Ambassador Miguel Marín-Bosch, there has never been a greater need for education in the areas of disarmament and non-proliferation, especially with regard to weapons of mass destruction.

4. In keeping with Mexico's interest in encouraging the adoption of measures on this crucial issue in the context of the Treaty on the Non-Proliferation of Nuclear Weapons and its review mechanism, the Government is submitting to the 2005 Review Conference of the Parties its national report on the measures it has taken to implement the recommendations contained in the United Nations study on disarmament and non-proliferation education pursuant to General Assembly resolution 57/60 of 22 November 2002.

National measures adopted by Mexico

5. The steps taken by Mexico in order to implement the recommendations contained in the United Nations study on disarmament and non-proliferation education are as follows:

(a) During the preparatory process for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Mexico joined other countries in putting forward working papers on disarmament and non-proliferation education (NPT/CONF.2005/PC.II/WP.18, of 7 May 2004, and NPT/CONF.2005/PC.III/WP.17, of 29 April 2004);

(b) In June 2004, the Government submitted to the United Nations Secretariat a report on the measures it has taken to implement the recommendations contained in the United Nations study on disarmament and non-proliferation education in accordance with General Assembly resolution 57/60;

(c) Paragraph 30 of the political declaration (ZLAN/CONF/5) adopted by the Conference of States Parties and signatories of treaties that establish nuclear-weapons-free zones, held in Tlatelolco, Mexico, from 26 to 28 April 2005, refers to the issue stating that members of such zones are convinced that disarmament and non-proliferation education is an important measure that can contribute to the achievement of a world free from the threat of nuclear weapons. It also invites all States to promote programmes to instil the values of peace, disarmament and nuclear non-proliferation in their respective educational and academic circles and calls on IAEA and donor countries to help in the promotion and implementation of such programmes;

(d) The competent Mexican authorities are engaged in the process of establishing a chair of the United Nations Educational, Scientific and Cultural Organization for disarmament and non-proliferation education at the Universidad Nacional Autónoma de México, our country's largest and most representative higher education institution;

(e) Mexico plans to incorporate subjects concerning nuclear disarmament and non-proliferation into the primary education curriculum in collaboration with the Ministry of Public Education;

(f) Through resolutions, Mexico has continued to promote the inclusion of the topic in the agendas of various international and regional forums such as the Organization of American States and the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean;

(g) Mexico has continued to benefit from the United Nations Disarmament Fellowship, Training and Advisory Services Programme, which has provided training for several generations of Mexican diplomats who are now involved in determining foreign policy in disarmament and non-proliferation matters within the Mexican Ministry of Foreign Affairs or are attached to Mexican delegations and missions abroad which deal with international disarmament forums and bodies. It has put forward a candidate for the Programme for 2005;

(h) The Ministry of Foreign Affairs has instituted the practice of sharing theoretical and practical knowledge concerning disarmament and non-proliferation issues with young people who have decided to do their community service or internship[1] there, some of whom later join the staff of the Ministry;

(i) In view of the important role of electronic channels in furthering disarmament and non-proliferation education, the Mexican Ministry of Foreign Affairs intends to place a disarmament and non-proliferation portal on its website.

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[1] In Mexico community service is a requirement for all University students who wish to get a degree. Some institutions of higher learning require that their students complete an internship.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Steps taken to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East

Report submitted by Egypt

General

1. Pursuant to the report submitted by Egypt to the third session of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of the Nuclear Weapons (see NPT/CONF.2005/PC.III/26), Egypt has the honour to submit the present follow-up report, which sets forth the steps Egypt has taken during the past year to promote the realization of the goals and objectives of the 1995 resolution on the Middle East.

I. Introduction

2. The inherent right of any group of States to conclude regional arrangements with a view to eliminating nuclear weapons in their respective territories was one of the fundamental principles guiding the drafting process of the Treaty on the Non-Proliferation of Nuclear Weapons, and was later incorporated in article VII of the Treaty. Since the first session of the Preparatory Committee for the 2005 Review Conference, Egypt has worked continuously to realize the goals and objectives of the 1995 resolution on the Middle East.

3. In this context, the establishment of a nuclear-weapon-free zone in the Middle East has remained an item of high priority on Egypt's diplomatic agenda, after nearly 30 years of efforts to rid the Middle East of nuclear weapons and other weapons of mass destruction.

II. Egyptian efforts at the international level

4. As in past years, Egypt submitted a resolution to the General Assembly of the United Nations at its fifty-ninth session on the establishment of a nuclear-weapon-free zone in the region of the Middle East (resolution 59/63). The resolution, which was adopted without a vote, "urges all parties directly concerned to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East in accordance with the relevant resolutions of the General Assembly, and as a means of promoting this objective, invites the countries concerned to adhere to the treaty on the Non-Proliferation of Nuclear Weapons". The resolution furthermore "invites the nuclear-weapon States and all other States to render their assistance in the establishment of the zone ..." It is important to note that since 1974, the General Assembly has annually adopted a resolution on this matter, and since 1980, the resolution has been adopted by consensus.

5. Egypt, on behalf of the States Member of the United Nations that are Members of the League of Arab States, also submitted a resolution entitled "The risk of nuclear proliferation in the Middle East", which was adopted by a majority of 170 Member States (resolution 59/106). The resolution "reaffirms the importance of Israel's accession to the Treaty on the Non-Proliferation of Nuclear Weapons and the placement of all its nuclear facilities under comprehensive International Atomic Energy Agency safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East". The resolution also calls upon Israel "to accede to the Treaty on the Non-Proliferation of Nuclear Weapons without further delay and not to develop, produce, test or otherwise acquire nuclear weapons, and to renounce possession of nuclear weapons, and to place all its unsafeguarded nuclear facilities under full-scope International Atomic Energy Agency safeguards as an important confidence-building measure among all States of the region and as a step towards enhancing peace and security".

6. Upon Egypt's initiative, the General Conference of IAEA, at its forty-eighth session, once again adopted by consensus a resolution (GC(48)/RES/16) entitled "Application of IAEA Safeguards in the Middle East". The resolution "affirms the urgent need for all States in the Middle East to forthwith accept the application of full-scope Agency safeguards to all their nuclear activities as an important confident-building measure among all States in the region and as a step in enhancing peace and security in the context of the establishment of a nuclear-weapon-free zone (NWFZ)". The resolution also "calls upon all parties directly concerned to consider seriously taking the practical and appropriate steps required for the implementation of the proposal to establish a mutually and effectively verifiable NWFZ in the region ..." and upon all States "especially those with a special responsibility for the maintenance of international peace and security, to render all assistance to the Director General by facilitating the implementation of this resolution". In this context, Egypt fully supported the efforts of the Director General to "make arrangements to convene a forum in which participants from the Middle East and other interested parties could learn from the experiences of other regions, including in the area of confidence-building relevant to the establishment of a nuclear-weapon-free zone". It is important to note, however, that which Egypt extended its full pledged support and cooperation for the goal of convening the forum, Israel regrettably obstructed the convening of the said forum by attempting to formulate an

agenda that can only lead to doubts about the possibility of establishing a nuclear-weapon-free zone in the region and obfuscate the main obstacles that lead to the failure to establish a nuclear-weapon-free zone in the Middle East.

7. The support of the international community for the three aforementioned resolutions and its continuous reiteration of the importance of establishing a nuclear-weapon-free zone in the Middle East region bears testament to the international community's continuous concern over the risk of nuclear proliferation in the Middle East and the urgency surrounding this issue. Egypt regrets, however, that little has been done to translate this sense of urgency into concrete measures to rid the region of nuclear weapons.

8. Egypt also actively participated in the conference hosted by Mexico in April 2005 on nuclear-weapon-free zones. The final declaration of the Conference reiterated the support of participating States for the establishment of a nuclear-weapon-free zone in the Middle East and, in this regard, reaffirmed the importance of Israel's accession to the Treaty on the Non-Proliferation of Nuclear Weapons and the placement of all its nuclear facilities under comprehensive IAEA safeguards in realizing the goal of universal adherence to the Treaty in the Middle East. The New Agenda Coalition, of which Egypt is a member, also pronounced itself on this issue in a similar manner.

III. Egyptian efforts at the regional level

9. At the regional level, Egypt continued to play an active role within the framework of the League of Arab States on issues relating to the Treaty on the Non-Proliferation of Nuclear Weapons. It has participated in the adoption of several resolutions on subjects that fall within the scope of the Treaty. These include resolution 6444 regarding the impact of Israeli weapons of mass destruction on international peace and Arab national security and resolution 6445, calling for the establishment of a weapons-of-mass-destruction-free zone in the region of the Middle East, with special emphasis on the elimination of nuclear weapons.

10. Egypt is also a member of the technical committee of the Arab League charged with formulating a draft treaty on the establishment in the Middle East of a zone free of weapons of mass destruction. The Committee held meetings in Cairo in June 2004 and January 2005.

11. Egypt also reported, in its submission to the second and third sessions of the Preparatory Committee for the 2005 Review Conference in 2003 and 2004, on its contribution to a symposium held in Cairo in February 2003, which was jointly organized by the League of Arab States and the United Nations Institute for Disarmament Research (UNIDIR). The symposium was entitled "Building a Weapons of Mass Destruction Free Zone in the Middle East: Global Non-Proliferation Regimes and Regional Experiences".

IV. Egyptian efforts at the national level

12. Egypt's strong commitment to the objective of ridding the Middle East of nuclear weapons and other weapons of mass destruction was reaffirmed at the national level in the address given by President Hosni Mubarak to a joint session of the Egyptian Parliament on 16 November 2002, in which he stated: "We continue to

call — insistently — for the same standards to be applied to Israel as are applied to Iraq so that it may abandon all its capabilities in the field of weapons of mass destruction as one of the main elements for a just and comprehensive peace in the Middle East, and that will strengthen international efforts to prevent the proliferation of such weapons, in the view of the threat they pose to all mankind." The President's remarks were further echoed by the Minister for Foreign Affairs in a meeting with the Director General of the IAEA in 2004, in which he stressed the importance of establishing a nuclear-weapon-free zone in the Middle East as a necessary precondition for the realization of a lasting peace in the region.

13. Also at the national level, and within the context of its comprehensive safeguards agreement with the International Atomic Energy Agency, Egypt continued to receive IAEA inspections teams throughout the past year. All of the inspections illustrated Egypt's compliance with its commitments under the safeguards agreement with the Agency.

14. Egyptian civilian society has also been adamant in its call for ridding the Middle East of all weapons of mass destruction. In January 2005, a joint meeting by the Weapons of Mass Destruction Commission, the Egyptian Council for Foreign Affairs, the Pugwash Conferences on Science and World Affairs and the Freidrich Ebert Stiftung called for the total elimination of all weapons of mass destruction in the Middle East and the establishment of a mutually verifiable weapons-of-mass-destruction-free zone in the region.

V. Conclusion

15. Throughout the past year, Egypt has continued to explore every avenue that could lead to concrete progress towards the establishment of a nuclear-weapon-free zone in the Middle East. It believes that others, especially those in the Middle East region, should make an equally strong commitment. In the case of Israel, this commitment has not been forthcoming. Egypt would like to point out that while all States in the Middle East region have become parties to the Treaty, Israel regrettably persists in ignoring repeated calls for its adherence to the Treaty and the placement of all its nuclear facilities under full-scope IAEA safeguards.

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2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament"

Report submitted by Norway

1. The present report presents the steps taken by Norway to implement article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament". The report focuses on the 13 practical steps of the 2000 Final Document, which is the most recent elaboration of the obligations embodied in article VI and the "Principles and Objectives". Reference is also made to a Norwegian position paper tabled at the 2005 Review Conference as well as a paper on Norway's contribution to the implementation of the Treaty.

Step 1: the Comprehensive Nuclear-Test-Ban Treaty

2. Norway signed and ratified the Comprehensive Nuclear-Test-Ban Treaty at an early stage. Universal adherence to and early entry into force of the Treaty continues to be a high priority. Norway has worked towards this goal by actively promoting signature and ratification of the Treaty and by supporting the work of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization in Vienna in implementing the Treaty's verification mechanism.

3. The Minister for Foreign Affairs of Norway, Mr. Jan Petersen, has signed a joint ministerial statement in support of the Comprehensive Nuclear-Test-Ban Treaty. Norway has co-sponsored resolutions in the General Assembly calling for the early entry into force of the Treaty.

4. Norway has on several occasions expressed the view, notably at the two conferences on article XIV, the meetings of the Preparatory Committee of the 2005 Review Conference and at the First Committee of the General Assembly of the United Nations, that it is of crucial importance that the nuclear-weapon States ratify the Treaty without delay and that the remaining States parties listed in annex II to the Treaty do so as well. In order to accelerate the ratification process, Norway has

granted financial assistance to selected countries from the list of 44 States through the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty in Vienna.

Step 2: Test moratorium

5. Pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, it is important that the moratorium on tests remains. Norway advocates that such self-imposed moratoria cannot, however, replace legally binding commitments through the signing and ratification of the Treaty.

6. The Comprehensive Nuclear-Test-Ban Treaty establishes a far-reaching global monitoring and verification system, capable of detecting all relevant nuclear explosions. The verification system is thus at the core of the Treaty. The full implementation of the International Monitoring System as soon as possible, without waiting for the entry into force of the Treaty, would represent a significant confidence and security-building measure. Six monitoring stations comprising altogether 119 field instruments are located on Norwegian territory as part of the International Monitoring System. With the ratification of the Comprehensive Nuclear-Test-Ban Treaty in 1999, the Norwegian Seismic Array (NORSAR) was established as the Norwegian National Data Centre for verification of compliance with the Treaty.

Step 3: Fissile material cut-off treaty

7. Norway considers it a top priority for the Conference on Disarmament to start negotiations on a non-discriminatory, multilateral and effectively verifiable fissile material cut-off treaty. Such a treaty is the next logical step on the multilateral arms control agenda and is essential if we are to advance nuclear non-proliferation. Ove. the last five years Norway has co-sponsored a resolution in the United Nations General Assembly calling for an early commencement of negotiations on such a treaty.

8. As long as the deadlock in the Conference on Disarmament remains, Norway welcomes the ongoing parallel process to identify and assess particular and technical aspects of a fissile material cut-off treaty. It is necessary to deal with the entire field of weapons-usable material in a comprehensive manner. All nuclear-weapon States should conclude and implement arrangements to place fissile material no longer required for military purposes under the IAEA verification regime. Norway advocates the principle of irreversible disposition in order to ensure that excess stockpiles of fissile material remain outside the military cycle. To that end, IAEA monitoring is required.

Step 4: Nuclear disarmament in the Conference on Disarmament

9. Norway has expressed concern about the continued deadlock in the Conference on Disarmament and has supported efforts to agree on a programme of work, including the cross-regional initiative as well as its revised version. This proposal calls for the establishment of an ad hoc committee to consider nuclear disarmament.

Step 5: Irreversibility

10. Norway has repeatedly expressed support for the principle of irreversibility in arms control and nuclear disarmament. Irreversible reductions of existing stockpiles constitute an effective non-proliferation measure that prevents terrorist groups from acquiring nuclear weapons and nuclear material.

Step 6: Unequivocal undertaking

11. Norway considers this commitment as highly relevant in attaining the overall objective of article IV.

Step 7: Strategic arms agreements

12. Norway welcomes the Strategic Offensive Reductions Treaty between the United States of America and the Russian Federation on further reductions in strategic nuclear warheads. Reductions in the numbers of operationally deployed strategic warheads will be an important contribution to the implementation of the decisions of the 2000 Review Conference and to continued strategic stability and enhanced security in the new international context. While welcoming reductions in strategic nuclear warheads, Norway underlines the need for verifiable, transparent and irreversible reductions.

Step 8: Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency

13. Norway holds the view that emphasis should be given to the completion and full implementation of the Trilateral Initiative between the United States, the Russian Federation and International Atomic Energy Agency. Efforts could be made to expand this arrangement to all nuclear-weapon capable States, as an important step in the direction of international control of excessive stocks of fissile material and deeper cuts in nuclear arms.

Step 9: Steps by the nuclear-weapon States

14. Norway strongly supports increased transparency with regard to nuclear arsenals. At the 2000 Review Conference we introduced proposals in this respect, together with Belgium, Germany, Italy and the Netherlands. We also would like to refer to the working papers tabled by Belgium, the Netherlands and Norway at the second and thirds meetings of the Preparatory Committee for the 2005 Review Conference as well as the working paper tabled at the 2005 Review Conference.

15. We also encourage transparency through the conclusion of safeguards agreements with IAEA. We urge all those States that have not yet signed or ratified an Additional Protocol to do so without delay.

16. Norway has welcomed the unilateral declarations by the Presidents of the United States and the Russian Federation in 1991 and 1992, which aim for the

elimination of a great number of tactical nuclear weapons. In the view of Norway these declarations are still relevant and should be preserved and strengthened. We encourage the adoption of transparency measures such as reporting on the implementation of these two important declarations and reciprocal information exchange by the two countries involved. In this regard we would like to point to the transparency measures that NATO has proposed to the Russian Federation. Norway hopes to see an early start of further negotiations on substantial cuts in the arsenals of tactical nuclear weapons.

17. Norway emphasizes the need for continued reduction of the operational status of nuclear weapons as well as for a diminishing role of nuclear weapons in security policies.

Step 10: Arrangements by all nuclear-weapon States on fissile material

18. Norway has advocated that a fissile material cut-off treaty should also deal with existing stocks in order to have a full and genuine disarmament impact. Norway has consistently encouraged nuclear-weapon States to place fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification and arrangements for disposition.

19. The Norwegian Government sponsored an international conference on nuclear material management, which was held in Oslo on 3 and 4 March 2005.

20. As regards bilateral cooperation programmes, for over 10 years Norway has had bilateral cooperation with the Russian Federation on nuclear safety issues. Since 1995, Norway has allocated $150 million United States dollars, mainly to the Russian Federation, through a plan of action for nuclear safety. The plan of action concentrates on four main areas: nuclear safety; safety of nuclear fuel and radioactive waste; monitoring of radioactive contamination; and weapons-related environmental problems. This assistance facilitates and speeds up the ongoing programme on dismantling decommissioned nuclear-powered submarines with nuclear fuel on board.

Step 11: General and complete disarmament

21. Arms control, disarmament and non-proliferation issues remain central elements in Norwegian foreign policy.

Step 12: Reporting

22. Norway believes that national reports by States parties should contain regular, systematic and detailed information to the other States parties with the goal of improving the functioning of the Treaty's strengthened review process. In submitting its national report, Norway shares the view that reporting should be done by all States parties and that it should be obligatory rather than optional.

Step 13: Development of verification

23. Norway supports the further development and strengthening of verification capabilities, which is clearly linked to the issue of compliance. We have taken a number of steps to support verification regimes under various arms control, disarmament and non-proliferation agreements, including the above-mentioned International Monitoring System for the Comprehensive Nuclear-Test-Ban Treaty. Norway co-sponsored the resolution entitled "Verification in all its aspects, including the role of the United Nations in the field of verification", which was adopted at the fifty-ninth session of the United Nations General Assembly.

24. Norway also supports the verification regimes of IAEA. Its agreement with IAEA on comprehensive safeguards was signed in 1972, while its agreement on the Additional Protocol entered into force in 2000. IAEA has conducted several inspections within the framework of the Additional Protocol. The measures contained in the IAEA model Additional Protocol are important for the Agency's efforts with regard to nuclear non-proliferation and as a new verification standard. It strengthens the effectiveness of the comprehensive IAEA safeguards system. Norway advocates making the Additional Protocol mandatory.

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National report of Guatemala as called for in the 2000 review of the operation of the Treaty on the Non-Proliferation of Nuclear Weapons, taking into account the decisions and the resolution adopted at the 1995 Review and Extension Conference of the Parties to the Treaty, with a focus on the implementation of article VI of the Treaty and paragraphs 3 and 4 (c) of the decision adopted in 1995 on principles and objectives for nuclear non-proliferation and disarmament

Report submitted by Guatemala

1. With the aim of building on the progress achieved in the implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4 (c) of the decision adopted in 1995 on principles and objectives for nuclear non-proliferation and disarmament and in support of the 13 practical steps towards nuclear non-proliferation and disarmament, Guatemala, as a non-nuclear-weapon State, presents the following report:

2. **Step 1**: Signature and ratification, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty.

3. Guatemala expresses its renewed support for the Comprehensive Nuclear-Test-Ban Treaty, which it signed on 20 September 1999. The ratification process is still at the stage of analysis and debate in the Congress of the Republic. Nonetheless, Guatemala urges the States listed in annex 2 to that Treaty to ratify it as promptly as possible so that it can speedily enter into force.

4. In addition, Guatemala ratified the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water on 6 January 1964. On 6 February 1970, Guatemala ratified the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), thereby becoming part of the first inhabited nuclear-weapon-free zone. Subsequently, on 1 April 1996, Guatemala ratified the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and

Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof.[1]

5. In order to contribute to the speedy ratification of the Comprehensive Nuclear-Test-Ban Treaty, the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization conducted a seminar at the national level in March 2005 in Antigua, Guatemala, with high-level participation, including from the Ministry of Foreign Affairs and the Congress of the Republic, to make participants better acquainted with that Treaty and its importance. Guatemala has been a State member of the Preparatory Commission since 20 September 1999.[2]

6. Guatemala also offered to host a regional seminar, scheduled for October 2005, promoting speedy ratification of the Treaty.

7. **Step 2**: A moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending entry into force of that Treaty.

8. Although Guatemala has no nuclear or related technology, it reaffirms its support for the maintenance of the moratorium on nuclear testing of any kind pending the entry into force of the Treaty. It also invites the nuclear-weapon States to declare such a moratorium as promptly as possible.

9. **Step 3**: The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.

10. Guatemala considers that it would be desirable for the State members of the Conference on Disarmament to undertake negotiations as soon as possible on a legally binding multilateral instrument, of international scope and with a verification mechanism, which would ban the production of fissile material for nuclear weapons. The member delegations will need to reach agreement on, among other things, the establishment of a negotiating committee, open to all members, to elaborate such an instrument.

11. Guatemala regularly joined the consensus on a resolution on the topic submitted annually. When for the first time such a resolution was submitted to a vote, on 3 December 2004, Guatemala voted in favour of General Assembly resolution 59/81 on the Conference on Disarmament decision (CD/1547) of 11 August 1998 to establish, under item 1 of its agenda entitled "Cessation of the nuclear arms race and nuclear disarmament", an ad hoc committee to negotiate, on the basis of the report of the Special Coordinator (CD/1299) and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

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[1] See http://disarmament.un.org:8080/TreatyStatus.nsf.

[2] See http://www.ctbto.org.

12. However, Guatemala reiterates and confirms its inalienable right under the Treaty on the Non-Proliferation of Nuclear Weapons and under the Treaty of Tlatelolco to acquire, develop and participate in nuclear technology in the future, solely for peaceful purposes, without discrimination and in accordance with articles I, II and III of the Treaty, particularly with a view to accelerating socio-economic development.

13. From that standpoint, Guatemala supports multilateral and international cooperation initiatives to benefit developing countries, particularly those directed towards Guatemala itself and the Central American region.

14. Guatemala holds the presidency of the Regional Cooperative Agreement for the Promotion of Nuclear Science and Technology in Latin America and the Caribbean (ARCAL) for 2005, under the Technical Cooperation Programme of the International Atomic Energy Agency (IAEA) for peaceful uses of nuclear energy. Upon assuming the presidency of ARCAL, Guatemala proposed to the member States that they should elaborate and submit to IAEA a proposal for an ARCAL/IAEA strategic alliance. The proposal met with the firm support of the members and the Agency, which is providing technical support for the elaboration of the proposal.[3]

15. **Step 4**: The necessity of establishing in the Conference on Disarmament an appropriate subsidiary body with a mandate to deal with nuclear disarmament. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate establishment of such a body.

16. As in the case of step 3, Guatemala favours the establishment of one or more subsidiary bodies open to all member States to deal with questions of nuclear disarmament, a step that the States members of the Conference on Disarmament should take at the first opportunity.

17. **Step 5**: The principle of irreversibility [is] to apply to nuclear disarmament, nuclear and other related arms control and reduction measures.

18. Guatemala reaffirms the principle of irreversibility as applicable to all arms reduction measures for all types of weapons and to the related measures of verification and transparency.

19. **Step 6**: An unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI.

20. Guatemala urges the nuclear-weapon States to eliminate all their nuclear arsenals in a clear and transparent manner.

21. **Step 7**: The early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the Treaty on the Limitation of Anti-Ballistic Missile Systems as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.

22. Guatemala views favourably the initiative to apply the principles of transparency, verification and irreversibility in the Treaty between the United States

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[3] Embassy of Guatemala in Vienna, fax No. 71-05/E31, dated 26 April 2005.

of America and the Russian Federation on Strategic Offensive Reductions through the destruction by the United States of America and the Russian Federation of their strategic nuclear warheads. It also urges them to formulate a plan for the reduction of strategic nuclear weapons within the framework of the START III programme.

23. **Step 8**: The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.

24. Guatemala urges the effective implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.

25. **Step 9**: Steps by all the nuclear-weapon States leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all:

- Further efforts by the nuclear-weapon States to reduce their nuclear arsenals unilaterally;
- Increased transparency by the nuclear-weapon States with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament;
- The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process;
- Concrete agreed measures to further reduce the operational status of nuclear weapons systems;
- A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination;
- The engagement as soon as appropriate of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons.

26. Guatemala takes note of the general progress made since the previous review conference in terms of the reduction of arsenals, the used transparency mechanisms and the implementation of agreements pursuant to article VI and voluntary confidence-building measures, such as the accession by Timor-Leste and Cuba to the Treaty on the Non-Proliferation of Nuclear Weapons and the voluntary decision of the Libyan Arab Jamahiriya on 19 December 2003 to eliminate its materials, equipment and programmes intended for the production of weapons of mass destruction as a further step towards achieving the goal of a nuclear-weapon-free zone in Africa.[4] However, Guatemala regrets the withdrawal of the Democratic People's Republic of Korea from the Treaty and urges it to re-accede to the Treaty and to implement its provisions as soon as possible.

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[4] Final inputs by the Non-Aligned Movement (NAM) Chapter in Vienna, States parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), in preparation for the 2005 NPT Review Conference, New York, 2-27 May 2005, article VI, p. 5.

27. Guatemala reaffirms its commitment to combating terrorism, particularly in accordance with the provisions of Security Council resolution 1373 (2001). In compliance with the resolution, Guatemala has submitted five national reports to the Counter-Terrorism Committee.[5]

28. Guatemala also shares the concern that weapons of mass destruction might fall into the hands of non-State actors. Since it is convinced that the best means to prevent this is through the total elimination of such weapons, it welcomes the preventive initiatives that have been instituted, such as those under Security Council resolution 1540 (2004). Guatemala has already submitted its first national report[6] to the Security Council Committee established pursuant to resolution 1540 (2004).[7]

29. **Step 10**: Arrangements by all nuclear-weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside military programmes.

30. Guatemala urges the nuclear-weapon States, as called for in step 10, to make further efforts to place all fissile material under IAEA or other relevant verification. It also supports arrangements to use this material for peaceful purposes, in order to ensure that it remains permanently outside any military programme and, above all, beyond the reach of terrorists.

31. **Step 11**: Reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control.

32. Guatemala reaffirms its commitment to implement all the multilateral instruments it has ratified relating to disarmament in general, under the effective control and with the cooperation of the international community.

33. In this connection, the Government of Guatemala, through Government Order No. 191-2004, has established the National Commission for Disarmament, on a temporary basis for two years, whose mandate is to formulate and coordinate implementation of a national disarmament programme within the framework of the public safety policy. The mandate also includes strengthening the arms and ammunition act; collecting illegal weapons; destroying confiscated and/or stored illegal weapons; strengthening the National Civil Police; reinforcing points of import and export; and implementing public awareness programmes.[8]

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[5] Permanent Mission of Guatemala to the United Nations, New York, 26 April 2005: the first national report was submitted on 25 December 2001; the second, on 8 July 2002; the third, on 17 March 2003; the fourth, on 10 March 2004; and the fifth, on 15 April 2005.

[6] Permanent Mission of Guatemala to the United Nations, New York, 26 April 2005.

[7] In its resolution 1540 (2004) of 5 November 2004, paragraph 4, the Security Council "*[d]ecides* to establish, in accordance with rule 28 of its provisional rules of procedure, for a period of no longer than two years, a Committee of the Security Council, consisting of all members of the Council, which will, calling as appropriate on other expertise, report to the Security Council for its examination, on the implementation of this resolution, and to this end calls upon States to present a first report no later than six months from the adoption of this resolution to the Committee on steps they have taken or intend to take to implement this resolution".

[8] See: International Action Network on Small Arms (IANSA), http://www.iansa.org/regions/camerica/iepades.htm, Guatemala, National Commission for Disarmament.

34. Guatemala has an arms and ammunition act, Decree No. 38-89 of the Congress of the Republic, which refers to nuclear and other weapons of mass destruction in articles 4 and 13, and provides for punitive measures in articles 93, 95 and 97 (c), among others, of title VII.

35. Guatemala also has a law concerning the control, use and application of radioisotopes and ionizing radiation (Decree-Law No. 11-86), with implementing regulations (Government Order No. 055-2001) and regulations governing radioactive waste management (Government Order No. 559-98) which also controls the use and application of radioisotopes and ionizing radiation and protects the health of workers and the general public. This instrument provides, among other things, for a verification mechanism, a waste register, a licensing regime and a system of penalties and fines.[9]

36. The Framework Treaty on Democratic Security in Central America entered into force for Guatemala on 28 October 1999. This instrument is supplementary to the Tegucigalpa Protocol to the Charter of the Organization of Central American States and seeks to reduce armaments, foster stability and promote confidence and transparency. The Treaty confirms the commitments entered into under the Treaty of Tlatelolco and other multilateral instruments related to disarmament.[10]

37. Guatemala invites the international community in general to participate in national disarmament programmes through international cooperation and through physical and visual inspections at any time by international representatives and members of the press, as the most efficient method for transparency and verification.

38. **Step 12**: Regular reports, within the framework of the strengthened review process for the Non-Proliferation Treaty, by all States parties on the implementation of article VI of the Treaty and paragraph 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament, and recalling the advisory opinion of the International Court of Justice of 8 July 1996.

39. Guatemala is conscious of the responsibility of the States parties for the implementation of all the provisions of the Treaty. It therefore reaffirms its commitment to report to the international community, within the framework of the Treaty on the Non-Proliferation of Nuclear Weapons, on the implementation of article VI.

40. Guatemala could join any consensus on the submission of periodic reports. However, owing to the fact that there is no nuclear activity of any kind within the country, the Government of Guatemala feels that submission of a report prior to each review conference would be sufficient. These reports could be supplemented by the obligation under article XIV of the Treaty of Tlatelolco to submit semi-annual reports simultaneously to the International Atomic Energy Agency and the

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[9] Ministry of Energy and Mines of Guatemala: http://www.mem.gob.gt/mem/4.htm. Article 19 of the Mining Law (Decree-Law No. 69-85) covered regulations for and restrictions on the mining of radioactive minerals in the country. However, this Law was repealed by Decree-Law No. 41-93 which, in turn, was repealed by Article 94 of the Mining Law (Decree-Law No. 48-97). Unlike in previous Decree-Laws, this article no longer mentions the mining of radioactive minerals.

[10] Seventeenth Summit meeting of Central American Presidents. See website: http://www.sieca.org.gt/publico/Reuniones_Presidentes/xvii/tratado1.htm.

Organization of American States indicating that no activity prohibited under the Treaty has occurred in national territory.

41. **Step 13**: The further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.

42. With a view to developing verification capabilities and transparency and in compliance with the provisions of the Protocol to the Comprehensive Nuclear-Test-Ban Treaty — as contained in part I thereof entitled "The International Monitoring System and International Data Centre function" — a type 3-C auxiliary seismological monitoring station capable of detecting seismic movements throughout the country and in Central America is being installed in the Department of Alta Verapaz, Guatemala, at the RDG Rabir site (latitude 15.0° N and longitude 90.5° W).

43. The installation of these international surveillance and verification systems results from an agreement signed in 2002 between Guatemala and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization.

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2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Treaty on the Non-Proliferation of Nuclear Weapons

Report submitted by the Government of New Zealand

Article I

1. New Zealand views the commitment of nuclear-weapon States to non-transfer and other controls under this article as essential. Suggestions that non-State actors were interested in obtaining nuclear explosive devices have underlined the continuing importance of the commitment in changing circumstances.

Article II

2. New Zealand meets fully its commitment under this article in all respects. New Zealand obligations through the Treaty on the Non-Proliferation of Nuclear Weapons are legislated in the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987. New Zealand concerns about compliance by other non-nuclear-weapon States parties to the Treaty have been expressed in various forums, for example at the IAEA General Conference.

Article III

3. The Safeguards Agreement between IAEA and New Zealand came into force on 29 February 1972, and the Model Additional Protocol to the Agreement was concluded on 24 September 1998. In 2001, IAEA assessed New Zealand to be in full compliance with all its safeguards commitments. With no nuclear weapons, no nuclear energy generation, no nuclear reactor and no production of uranium or other relevant material, New Zealand has only very minor activities subject to safeguards.

4. New Zealand applies export controls to materials and dual-use goods which can be used in a nuclear weapon programme. It coordinates these with other members of the Nuclear Suppliers Group, which New Zealand joined in 1994.

Article IV

5. New Zealand reaffirms the inalienable right to peaceful nuclear technology, as long as it is exercised in conformity with articles I, II and III of the Treaty.

6. New Zealand has decided by policy not to use its rights to develop research, production and use of nuclear energy for peaceful purposes. In the context of global negotiations relating to climate change, and in IAEA, New Zealand points to the long-term lack of sustainability of nuclear energy and the continuing risks of pollution and proliferation.

7. In implementing its national export controls, New Zealand seeks to restrict trade related only to unsafeguarded nuclear facilities or nuclear weapon programmes in non-nuclear-weapon States. New Zealand advocates cooperation only with States in compliance with obligations under safeguards agreements.

8. New Zealand has been active, at such forums as the IAEA General Conference, in promoting close attention to the safe transport of radioactive materials and radioactive waste. New Zealand is concerned that there be the highest possible safety standards and that they be applied fully, that coastal and other interested States receive notification in advance of shipments, and that adequate liability arrangements be in place.

Article V

9. New Zealand supports the 1995 outcome that article V should be interpreted in the light of the Comprehensive Nuclear-Test-Ban Treaty.

10. New Zealand ratified the Comprehensive Nuclear-Test-Ban Treaty in March 1999. In New Zealand, the Treaty has been enacted in the Nuclear-Test-Ban Act 1999. A ban on nuclear testing is also included in the South Pacific Nuclear Free Zone Treaty and the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987.

11. New Zealand remains a strong supporter of the Treaty and its Provisional Technical Secretariat in Vienna. New Zealand was a co-signatory of the Joint Ministerial Statement of Support for the Treaty, initiated by Australia, Japan, Finland and the Netherlands, at the United Nations General Assembly in 2004. New Zealand believes a continued moratorium on all nuclear explosive testing is imperative pending formal entry of the comprehensive test ban into force. In the meantime, New Zealand cooperates with the Provisional Treaty Secretariat in helping to establish the International Monitoring System for the Treaty, with stations in New Zealand itself and in regional partners in the South Pacific. New Zealand also co-sponsors, with Australia and Mexico, a resolution supporting the Comprehensive Nuclear-Test-Ban Treaty at the United Nations General Assembly.

Article VI

12. With its partners in the New Agenda Coalition, New Zealand has worked hard in recent years to promote the negotiations in good faith relating to the cessation of the nuclear arms race and to nuclear disarmament. In this context, New Zealand draws strength from the 1996 Advisory Opinion of the International Court of Justice on the illegality of the threat or use of nuclear weapons.

13. At the United Nations in 2004, New Zealand, with the New Agenda, was a lead sponsor of resolution 59/75 (*Accelerating the implementation of nuclear disarmament commitments*), which highlighted limited progress on many issues relating to the Treaty on the Non-Proliferation of Nuclear Weapons and called upon States to abide fully by their commitments.

14. At the Conference on Disarmament, New Zealand remains supportive of proposals for a programme of work, including on nuclear disarmament, fissile materials, negative security assurances and outer space.

Article VII

15. New Zealand is a full party to the South Pacific Nuclear Free Zone Treaty of 1985 (the Treaty of Rarotonga, also enacted in the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987). All the independent countries of the South Pacific are now covered by the Treaty, and four of the nuclear-weapon States (the United Kingdom, China, France and the Russian Federation) have ratified protocols giving security assurances to the region. The United States of America has signed the protocols.

16. New Zealand welcomed Mexico's initiative to hold a meeting of States parties and signatories to nuclear-weapon-free zones in April 2005. The Minister for Disarmament and Arms Control attended the meeting and spoke on behalf of New Zealand. New Zealand supports efforts to strengthen cooperation between individual nuclear-weapon-free zones. In recent years, New Zealand has worked with Brazil and others to create new links between the nuclear-weapon-free zones of the southern hemisphere.

Article VIII

17. New Zealand supports the text of the Treaty on the Non-Proliferation of Nuclear Weapons as it stands. New Zealand will participate fully in the seventh Review Conference of the Treaty.

Article IX

18. New Zealand continues to emphasize the importance of universalization of the Treaty on the Non-Proliferation of Nuclear Weapons, calling on India, Israel and Pakistan to accede to the Treaty as non-nuclear-weapon States in accordance with article IX. New Zealand welcomed Cuba's accession to the Treaty in 2002 and Timor-Leste's accession in 2003 as positive steps towards the goal of universalization.

19. New Zealand remains very concerned at the current stance of the Democratic People's Republic of Korea against the Treaty on the Non-Proliferation of Nuclear Weapons. New Zealand has urged that country to reconsider its announced withdrawal from the Treaty, its proclaimed nuclear weapons programme, and to re-engage in the Six Party Talk process.

Article X

20. New Zealand joined the consensus decision in 1995 that the Treaty on the Non-Proliferation of Nuclear Weapons be extended indefinitely. The Conference adopted a package of decisions in 1995: strengthening the review process; Principles and Objectives for Nuclear Non-Proliferation and Disarmament; extension of the Treaty; and the resolution on the Middle East. All these elements remain significant. In New Zealand's view, the extension of the Treaty on the Non-Proliferation of Nuclear Weapons was not a permit for the indefinite possession of nuclear weapons.

21. Building on this, the 2000 Review Conference agreed on detailed practical steps for systematic and progressive efforts to implement article VI of the Treaty. The nuclear-weapon States gave an unequivocal commitment to achieve the total elimination of their nuclear arsenals. New Zealand has evaluated national progress with regard to the 13 steps, and attaches a document outlining progress as an annex to this report.

22. Relevant to article X, the Conference agreed in 2000 that the principle of irreversibility was to apply to nuclear disarmament, nuclear and other related arms control and reduction measures.

13 Steps: New Zealand progress

Step 1

23. New Zealand ratified the Comprehensive Nuclear-Test-Ban Treaty in March 1999, having taken an active part in its negotiation. At the United Nations in 2004, New Zealand was a core sponsor of resolution 59/109 (*Comprehensive Nuclear-Test-Ban Treaty*), which reiterated calls for universal ratification of that Treaty. In 2002 and 2004, New Zealand co-sponsored a joint ministerial statement on the Treaty, which Ministers delivered in New York. New Zealand works closely with the Provisional Technical Secretariat in Vienna on issues relating to the Treaty. Pending ratification of the Treaty, New Zealand has been active in the establishment of an International Monitoring System for the Comprehensive Nuclear-Test-Ban Treaty, and has set up six monitoring stations on New Zealand territory. New Zealand cooperates closely with Fiji, the Cook Islands, and Kiribati on the installation of monitoring stations within the Pacific region.

Step 2

24. A joint ministerial statement on the Comprehensive Nuclear-Test-Ban Treaty, co-sponsored by New Zealand in 2004, called upon "all States to continue a moratorium on nuclear weapon test explosions or any other nuclear explosions" pending official ratification of the Treaty. The New Zealand Foreign Minister reaffirmed the importance of this voluntary undertaking in his public support of the statement. New Zealand has worked with Pacific countries to put in place the South Pacific Nuclear Free Zone Treaty, which bans nuclear testing. New Zealand has also created a New Zealand Nuclear Free Zone, and sustained it against international pressure.

Step 3

25. New Zealand has actively supported moves to overcome the current failure within the Conference on Disarmament to agree on a programme of work, including the Amorim and Five Ambassadors' proposals for a programme of work on nuclear disarmament, fissile materials, negative security assurances, and outer space. During New Zealand's Presidency of the Conference on Disarmament in February 2005, New Zealand's Ambassador for Disarmament in Geneva conducted bilateral consultations with all 65 Conference member States in an effort to facilitate agreement on a work programme that would allow the Conference to commence substantive work following on from a Netherlands informal paper derived from

previous proposals. New Zealand also pursued initiatives on continuity and transparency of the Presidency.

Step 4

26. The establishment of a subsidiary body to deal with nuclear disarmament is a key element of the Amorim and Five Ambassadors' proposals, and would provide significant progress towards New Zealand hopes for the Conference on Disarmament and the fulfilment of article VI.

Step 5

27. New Zealand has argued, in partnership with the New Agenda Coalition, that irreversibility in nuclear disarmament, nuclear reductions, and other related nuclear arms control measures is imperative. The New Agenda resolution to the General Assembly in 2004 underlined the imperative of the principles of irreversibility and transparency for all nuclear disarmament measures and reaffirmed that nuclear disarmament and nuclear non-proliferation were mutually reinforcing processes requiring urgent irreversible progress on both fronts.

Step 6

28. New Zealand, in partnership with the New Agenda, urges States to live up to the unequivocal undertaking delivered at the 2000 Review Conference, for the total elimination of nuclear arsenals. This undertaking remains significant. New Zealand has reminded States of their obligations through various statements in the context of the Treaty on the Non-Proliferation of Nuclear Weapons. The unequivocal undertaking on the part of all Treaty signatory States is a foundation on which the New Agenda Coalition continues to build.

Step 7

29. New Zealand notes that START II and START III have been discarded following the withdrawal of the United States of America from the Treaty on the limitation of Anti-Ballistic Missile systems in 2002. The Moscow Treaty (2002) represents a positive first step in the process of nuclear de-escalation between the United States and the Russian Federation, through undertakings to reduce the numbers of deployed strategic nuclear warheads. However, New Zealand emphasizes, through the New Agenda, that reductions in deployments and in operational status cannot substitute for irreversible destruction of weapons towards the goal of total elimination of nuclear weapons.

Step 8

30. New Zealand supports the Trilateral Initiative.

Step 9

31. New Zealand supports the full range of measures outlined in this step. In particular, New Zealand is keen to see progress on the issue of non-strategic nuclear weapons, and was a lead sponsor of resolution 58/50 (***Reduction of non-strategic nuclear weapons***) at the United Nations in 2003.

Step 10

32. New Zealand recognizes and welcomes the fact that all non-nuclear-weapon States have already accepted full controls on fissile materials. These controls are verified and administered by the IAEA. New Zealand urges nuclear-weapon States to adopt similar commitments in this area.

33. New Zealand supports the early negotiation of a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material or other nuclear explosive devices.

Step 11

34. The New Zealand Government engages in a wide range of disarmament work relating to weapons of mass destruction and conventional weapons. Through active membership of the Treaty on the Non-Proliferation of Nuclear Weapons, Chemical Weapons Convention, and Biological Weapons Convention, New Zealand campaigns for progress towards the elimination of weapons of mass destruction. New Zealand works within the international community on conventional weapon issues such as landmines and inhumane weapons. There is close cooperation between New Zealand and Pacific neighbours on efforts to reduce and control the small arms trade. New Zealand also belongs to four major export control regimes: the Australia Group, the Wassenaar Arrangement, the Nuclear Suppliers Group, and the Missile Technology Control Regime.

35. In May 2005, New Zealand supported the work of the Weapons of Mass Destruction Commission by sponsoring a study and a seminar on the necessity and feasibility of establishing a standing United Nations verification body for weapons of mass destruction.

Step 12

36. New Zealand submitted a report to the Third Preparatory Committee for the Review Conference in 2004, which set out New Zealand's progress with regard to each article of the Treaty on the Non-Proliferation of Nuclear Weapons. This report has been revised and updated and is submitted to the Third Preparatory Committee in conjunction with this document.

Step 13

37. New Zealand has given strong support to a system of strengthened IAEA safeguards, including in regional disarmament discussions. New Zealand is strongly supportive of the IAEA safeguards system as an essential component of the global non-proliferation system. IAEA safeguards provide assurance that States are meeting their undertakings under the Treaty, and provide the mechanism for States to demonstrate their compliance. Universal application of the integrated safeguards system, including the Additional Protocols, would promote collective security. New Zealand continues to call upon those 39 states which have not yet concluded any safeguards agreement with IAEA to do so at the earliest possible date.

Resolution on the Middle East: New Zealand progress

38. *Operative paragraph 1: Endorses aims and objectives of the Middle East peace process and recognizes that efforts towards this goal contribute to a Middle East zone free of weapons of mass destruction, including nuclear ones.*

39. New Zealand stands for a balanced and constructive approach to the complex problems of the Middle East. We support negotiation of a just, enduring and comprehensive peace settlement in the Middle East, based on United Nations Security Council resolutions 242 and 338, and the principles derived from successive agreements between the two parties. We support the efforts of the Quartet and the road map towards a two-State solution. The New Zealand position has been made clear through contact with representatives from both sides from time to time, including with the Israeli Foreign Minister and the Chairman of the Palestinian Authority, and in public forums, such as the statement delivered by New Zealand at the fifty-ninth session of the United Nations General Assembly.

40. New Zealand has consistently contributed to peacekeeping operations in the Middle East. We were one of the original participants in the Multinational Force and Observers and contribute to the United Nations Truce Supervision Organization (UNTSO). We also contribute to the United Nations Relief and Works Agency (UNRWA) in support of its work in addressing the humanitarian situation in the Occupied Territories.

41. *Operative paragraph 2: Reiterates call for all remaining States to accede to the Treaty on the Non-Proliferation of Nuclear Weapons and accept IAEA safeguards on all nuclear activities.*

42. New Zealand, in partnership with the New Agenda Coalition, emphasizes the importance of universal accession to the Treaty on the Non-Proliferation of Nuclear Weapons. We call upon Israel to sign and ratify the Treaty, and to bring into force comprehensive IAEA safeguards.

43. *Operative paragraph 3: Notes with concern the continued existence of unsafeguarded facilities in the Middle East and urges non-parties to the Treaty to accept full-scope IAEA safeguards at such facilities.*

44. New Zealand is a staunch supporter of the role of the IAEA. We advocate full-scope safeguards and the strengthened safeguards system through Additional Protocols. In the context of the Middle East, New Zealand remains particularly concerned at the continued existence of unsafeguarded facilities in Israel, and works within the United Nations General Assembly, the review process of the Treaty on the Non-Proliferation of Nuclear Weapons, and the IAEA General Conference to address this issue.

45. *Operative paragraph 4: Reaffirms importance of early universal adherence to Treaty on the Non-Proliferation of Nuclear Weapons and calls upon all Middle East States who have not yet done so to accede to it as soon as possible.*

46. Contribution as outlined in response to operative paragraph 2 above.

47. *Operative paragraph 5: Calls upon all Middle East States to take practical steps in appropriate forums towards an effectively verifiable Middle East zone free of nuclear weapons and refrain from anything that precludes this objective.*

48. New Zealand strongly supports nuclear-weapon-free zones. We work closely with Brazil on efforts to foster a southern hemisphere free of nuclear weapons. New Zealand remains fully convinced that the establishments of regional nuclear-weapon-free zones are useful steps towards the total elimination of nuclear weapons.

49. *Operative paragraph 6: Calls upon all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in particular Nuclear Weapon States, to extend cooperation and exert utmost efforts towards ensuring establishment by regional parties of a Middle East zone free of nuclear weapons and all other weapons of mass destruction.*

50. New Zealand welcomed Mexico's initiative to hold a meeting of States parties and signatories to nuclear-weapon-free-zone treaties in April 2005, which recognized that greater cooperation between existing zones may contribute to progress in the formation of new zones. In this context, New Zealand welcomed the Tashkent declaration in February 2005, which laid the foundation for the establishment of a nuclear-weapon-free zone in Central Asia. New Zealand continues to support the development of all regional nuclear-weapon-free zones.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons

Report submitted by Hungary

1. Hungary has submitted implementation reports to the second and third sessions of the Preparatory Committee, in accordance with step 12 of the 13 practical steps agreed upon at the 2000 Review Conference. As stated in these reports, Hungary continues to believe that a more general and comprehensive approach is necessary than the one outlined in step 12. The report of Hungary to the 2005 Review Conference follows the same patterns, reporting on activities related to the Treaty, but not directly to article VI of the Treaty or to regional issues.

2. The multilateral regime of nuclear non-proliferation has been subjected to unprecedented pressure recently. As a member of the European Union (EU), Hungary fully subscribes to the principles and objectives enshrined in the EU Strategy against the Proliferation of Weapons of Mass Destruction, which states that "the Treaty on the Non-proliferation of Nuclear Weapons must be preserved in its integrity". Hungary considers the Treaty, which establishes the primary objective of preventing nuclear proliferation while ensuring the peaceful use of nuclear energy and technology, as the most important multilateral instrument in the field of non-proliferation and disarmament.

3. Hungary considers the International Atomic Energy Agency (IAEA) safeguard system as an indispensable mechanism to verify compliance with the Treaty and to ensure nuclear transparency. Such a system promotes confidence essential for peaceful nuclear cooperation. Hungary believes that the Model Additional Protocol, together with a comprehensive safeguard agreement, represents the verification standard and lends its full support to making the Additional Protocol mandatory under article III of the Treaty. Such a decision should be taken at the 2005 Review Conference.

4. The review period has marked important developments in the field of safeguards implementation in Hungary. In November 2004 the IAEA completed arrangements for the introduction of a State-level integrated safeguards approach for Hungary and started to implement the new approach. Together with Japan, Hungary was the first country with a nuclear power plant to implement integrated safeguards.

This new method of verification has the promising potential to increase the flexibility and effectiveness of the IAEA safeguards system. Hungary stands ready to closely cooperate with the Agency, with a view to achieving this goal.

5. Hungary regards the introduction and application of appropriate export control measures as an important tool for stemming the risk of clandestine nuclear programmes. As a participating State of the Zangger Committee, the Nuclear Suppliers Group and the Proliferation Security Initiative (PSI), Hungary maintains and operates an effective national system of export controls and contributes to international efforts in this field. Hungary welcomes the adoption of Security Council resolution 1540 (2004), requiring States to adopt domestic controls to prevent and preclude the proliferation of nuclear weapons. Hungarian experts participate regularly in interdiction exercises organized in the Proliferation Security Initiative framework (e.g., in Germany, Italy and Poland). Hungary has taken stock of the available administrative structure and the legislative instruments necessary for Hungary's participation in cooperation activities within the Proliferation Security Initiative framework.

6. Hungary follows with great interest the new initiatives aimed at preventing the proliferation of sensitive elements of the nuclear fuel cycle in a multilateral and non-discriminatory framework. The dual-use technologies, such as those related to uranium enrichment and reprocessing, are a source of concern. Hungary looks forward to a substantive and productive discussion of these issues at the 2005 Review Conference.

7. Hungary attaches great importance to the Comprehensive Nuclear-Test-Ban Treaty (CTBT). Efforts to achieve the Treaty's entry into force must be upheld. Hungary participated in the Conference on Facilitating the Entry into Force of the Treaty in September 2003, which adopted a Final Declaration and Measures to Promote the Entry into Force of the Treaty. In the implementation of these measures and in furthering the goals of the Treaty, many important and challenging tasks remain to be tackled by States party to the CTBT and by the Preparatory Commission and its Provisional Technical Secretariat. Hungary, in its capacity as Chair of Working Group A of the Preparatory Commission, will also continue to do its utmost to bring about the earliest possible entry into force of the CTBT.

8. Hungary continues to support efforts to start negotiations on a fissile material cut-off treaty. The Conference on Disarmament, the only multilateral negotiating body for disarmament affairs at the disposal of the international community, remains the right forum for such negotiations. Hungary welcomes the willingness and readiness of Member States to take up work on the fissile material cut-off treaty.

9. Hungary co-sponsored a working paper on disarmament and non-proliferation education and training at the third session of the Preparatory Committee (NPT/CONF.2005/PC.III/WP.17), as well as at the Review Conference. Education and training should receive more attention as part of the efforts of the international community to strengthen disarmament and non-proliferation for future generations.

10. Hungary remains fully committed to the Treaty, supporting wholeheartedly its strengthened review process. Hungary will, in the spirit of effective multilateralism, actively participate in the 2005 Review Conference of the Parties to the Treaty.

NPT/CONF.2005/40

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

16 May 2005

Original: English

New York, 2-27 May 2005

Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 Resolution on the Middle East

Report submitted by the Netherlands

1. At the fifty-ninth session of the General Assembly, the Netherlands supported a resolution calling for the establishment of a nuclear-weapon-free zone in the Middle East (resolution 59/63). The Netherlands also voted in favour of the resolution entitled "The risk of nuclear proliferation in the Middle East" (resolution 59/106). At the United Nations, the Netherlands, on behalf of all members of the European Union, has called on Israel to accede unconditionally to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as a non-nuclear-weapon State. It has furthermore called for full compliance with the NPT by all States parties in the region. It has urged all States in the region that have not yet done so to conclude and bring into force comprehensive safeguards agreements, as well as an additional protocol, with the International Atomic Energy Agency (IAEA), as soon as possible. It also urged all States in the region that have not yet ratified or acceded to the Comprehensive Nuclear-Test-Ban Treaty (CTBT) to do so without delay and without conditions. The Netherlands supported the adoption of a resolution on the application of safeguards in the Middle East by the IAEA General Conference in September 2004.

2. The Netherlands shares the serious international concerns about the scope and nature of Iran's nuclear programme. The Netherlands has regularly urged Iran to secure the early ratification of its Additional Protocol and has actively supported IAEA safeguards activities in Iran. The Netherlands has welcomed the Paris Agreement of 15 November 2004 (INFCIRC/637) and it supports the ongoing negotiations between France Germany and the United Kingdom, supported by the High Representative for the common foreign and security policy of the European Union, and Iran.

3. The Netherlands welcomed and strongly supported the decision on 19 December 2003 by the Government of the Libyan Arab Jamahiriya to eliminate all material, equipment and programmes that lead to the production of weapons of mass destruction. The Netherlands has also welcomed the ratification by the Libyan Arab Jamahiriya of the Comprehensive Nuclear-Test-Ban Treaty, and its signature

and decision to implement an Additional Protocol. We hope that other countries in that region will follow the their decision, which has contributed to regional and international security. Nevertheless, the revelation of a nuclear weapons programme and other undeclared nuclear activities in the Libyan Arab Jamahiriya has also been a cause of great concern, as it brought to light a network for illicit trade, in particular in highly sensitive nuclear equipment and technology, which the Netherlands considers a matter of serious concern. The Netherlands continues to support efforts to curb this trade.

4. The Netherlands continues to support initiatives to promote a zone free from all weapons of mass destruction in the Middle East. To that end it has called, both bilaterally and together with the European Union on all States in the region not parties to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction or the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, as well as on States that have not subscribed to the International Code of Conduct against Ballistic Missile Proliferation, to ratify, accede or subscribe to these important instruments as soon as possible. This also conforms with Security Council resolution 1540 (2004) on the non-proliferation of weapons of mass destruction, which calls on all States to promote the universal adoption and full implementation of multilateral treaties whose aim is to prevent the proliferation of nuclear, biological and chemical weapons.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

17 May 2005
English
Original: French

New York, 2-27 May 2005

Note verbale dated 17 May 2005 from the Permanent Representative of the Grand Duchy of Luxembourg to the United Nations addressed to the Secretary-General of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

The Permanent Representative of the Grand Duchy of Luxembourg to the United Nations presents his compliments to the Secretary-General of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and has the honour to transmit herewith an extract of Common Position 2005/329/PESC of the Council of the European Union, of 25 April 2005, relating to the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (see annex).*

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* Council Common Position 2005/329/PESC of 25 April 2005 has been published in the *Official Journal of the European Union* and is circulated in English.

Annex to the note verbale dated 17 May 2005 from the Permanent Representative of the Grand Duchy of Luxembourg to the United Nations addressed to the Secretary-General of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

[Original: English]

(Acts adopted under Title V of the Treaty on European Union)

COUNCIL COMMON POSITION 2005/329/PESC

of 25 April 2005

relating to the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

(1) The European Union continues to regard the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as the cornerstone of the global nuclear non-proliferation regime, the essential foundation for the pursuit of nuclear disarmament in accordance with Article VI of the NPT and an important element in the further development of nuclear energy applications for peaceful purposes.

(2) On 17 November 2003 the Council adopted Common Position 2003/805/CFSP on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery (1). On 12 December 2003 the European Council adopted a Strategy against proliferation of Weapons of Mass Destruction.

(3) The United Nations Security Council unanimously adopted Resolution 1540 (2004), describing the proliferation of weapons of mass destruction and their means of delivery as a threat to international peace and security.

(4) The 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons with the task of examining the Treaty and the question of its extension adopted decisions on the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons, on principles and objectives for nuclear non proliferation and disarmament and on strengthening the review process for that Treaty and a resolution on the Middle East.

(5) On 13 April 2000 the Council adopted Common Position 2000/297/CFSP relating to the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (2).

(6) The 2000 NPT Review Conference adopted a final document.

(7) The Preparatory Committee for the 2005 NPT Review Conference held three sessions, from 8 to 19 April 2002 in New York, 28 April to 9 May 2003 in Geneva and 26 April to 7 May 2004 in New York.

(8) On 29 April 1997 the Council adopted Joint Action 97/288/CFSP on the European Union's contribution to the promotion of transparency in nuclear-related export controls (3).

(9) On 17 May 2004 the Council adopted Joint Action 2004/495/CFSP on support for IAEA activities under its Nuclear Security Programme and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (4).

(10) On 1 June 2004 the Council adopted a statement of support for the Proliferation Security Initiative on Weapons of Mass Destruction.

(11) The Additional Protocol to the Verification Agreement between the Non-Nuclear-Weapon States of the European Atomic Energy Community (EURATOM), EURATOM and the International Atomic Energy Agency (IAEA), the Additional Protocol to the Safeguards Agreement between France, EURATOM and the IAEA, and the Additional Protocol to the Safeguards Agreement between the United Kingdom, EURATOM and the IAEA have been signed and entered into force on 30 April 2004.

(12) In the light of the outcome of the 2000 Review Conference and of the discussions at the three sessions of the Preparatory Committee for the NPT 2005 Review Conference, and bearing in mind the current situation, it is appropriate to update and develop further the objectives set out in Common Position 2000/297/CFSP, and the initiatives carried out under its terms,

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(1) OJ L 302, 20.11.2003, p. 34.
(2) OJ L 97, 19.4.2000, p. 1.
(3) OJ L 120, 12.5.1997, p. 1.
(4) OJ L 182, 19.5.2004, p. 46.

HAS ADOPTED THIS COMMON POSITION:

Article 1

The objective of the European Union shall be to strengthen the international nuclear non proliferation regime by promoting the successful outcome of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

Article 2

For the purposes of the objective laid down in Article 1, the European Union shall:

(a) contribute to a structured and balanced review of the operation of the NPT at the 2005 Review Conference, including the implementation of undertakings of the States Parties under the said Treaty, as well as the identification of areas in which, and of means through which, further progress should be sought in future;

(b) help build a consensus on the basis of the framework established by the NPT by supporting the Decisions and the Resolution adopted at the 1995 Review and Extension Conference and the final document of the 2000 NPT Review Conference, and shall bear in mind the current situation and shall promote *inter alia* the following essential issues, including:

   1. undertaking efforts to preserve the integrity of the NPT and strengthen its implementation;

   2. recognising that the NPT is a unique and irreplaceable multilateral instrument for maintaining and reinforcing international peace, security and stability, in that it establishes a legal framework for preventing increased proliferation of nuclear weapons and for developing further a verification system guaranteeing that non-nuclear-weapons States use nuclear energy solely for peaceful purposes, and that it represents the essential foundation for the pursuit of nuclear disarmament in accordance with Article VI thereof;

   3. working towards universal accession to the NPT;

   4. stressing the absolute necessity of full compliance with all the provisions of the NPT by all States Parties;

   5. calling on all States not party to the NPT to pledge commitments to non-proliferation and disarmament and calling on those States to become States Parties to the NPT as non nuclear weapon States;

   6. recognizing that serious nuclear proliferation events have occurred since the end of the 2000 Review Conference;

   7. stressing the need to strengthen the role of the UN Security Council, as final arbiter, in order that it can take appropriate action in the event of non-compliance with NPT obligations, in keeping with the Statute of the International Atomic Energy Agency (IAEA), including the application of safeguards;

   8. drawing attention to the potential implications for international peace and security of withdrawal from the NPT. Urging the adoption of measures to discourage withdrawal from the said Treaty;

   9. calling for nuclear cooperation to be suspended where the IAEA is not able to provide adequate assurances that a State's nuclear programme is designed exclusively for peaceful purposes, until such time as the Agency is able to provide such assurances;

   10. calling on all States in the region to make the Middle East into an effectively verifiable zone free of nuclear weapons and other weapons of mass destruction and their delivery systems, in keeping with the Resolution on the Middle East adopted at the 1995 Review and Extension Conference;

   11. since security in Europe is linked to security in the Mediterranean, giving top priority to implementation of the nuclear non-proliferation regime in that region;

   12. acknowledging the importance of nuclear-weapon-free zones for peace and security, on the basis of arrangements freely entered into between the States of the region concerned;

   13. stressing the need to do everything possible to prevent the risk of nuclear terrorism, linked to possible terrorist access to nuclear weapons or materials that could be used in the manufacture of radiological dispersal devices and, in this context, stressing the need for compliance with obligations under Security Council Resolution 1540 (2004). Calling for tighter security for high activity radioactive sources. Supporting G8 and IAEA action in this regard;

   14. recognising that, in the light of the increased threat of nuclear proliferation and terrorism, the Proliferation Security Initiative, the Global Threat Reduction Initiative and the G8 Global Partnership Initiative should be approved;

   15. calling for universal accession to the Comprehensive Safeguards Agreements and Additional Protocols;

16. recognising that Comprehensive Safeguards Agreements and Additional Protocols have a deterrent effect on nuclear proliferation and form today's verification standard, and continuing to work for increased detectability of any violations of Treaty obligations;

17. working for recognition by the IAEA Board of Governors that the conclusion of a Comprehensive Safeguards Agreement and an Additional Protocol is today's verification standard;

18. highlighting the IAEA's unique role in verifying States' compliance with their nuclear Non-proliferation commitments and helping them, on request, to tighten up the security of nuclear materials and installations, and calling on States to support the Agency;

19. recognising the importance of appropriate effective export controls, in compliance with Security Council Resolution 1540 (2004) and in accordance with Article III.2 of the NPT;

20. implementing, at national level, effective export, transit, transhipment and re-export controls, including appropriate laws and regulations for that purpose;

21. enacting effective criminal sanctions to deter illegal export, transit, brokering, trafficking and related financing, in compliance with UNSC Resolution 1540 (2004);

22. urging the Zangger Committee and the Nuclear Suppliers Group to share their experience on export controls, so that all States can draw on the arrangements of the Zangger Committee and the Nuclear Suppliers Group (NSG) guidelines;

23. pointing up the need to strengthen the (NSG) Guidelines at an early date, to adapt them to new non-proliferation challenges;

24. calling on the States Parties to the Convention on the Physical Protection of Nuclear Material to work for rapid conclusion of an amended Convention;

25. recognising the right of States Parties to the NPT to nuclear energy for peaceful purposes, in accordance with Article IV thereof, with due regard for Articles I, II and III of the Treaty;

26. underlining the importance of continuing international cooperation in order to strengthen nuclear safety, safe waste management and radiological protection and calling upon States that have not yet done so to accede to all the relevant conventions as soon as possible and to implement fully the ensuing commitments;

27. noting that the States Parties to the NPT, may, pursuant to Article IV thereof, have resort to peaceful uses of nuclear energy, inter alia in the area of production of electricity, industry, health and agriculture;

28. urging the formulation of guarantees of access to nuclear fuel services, or to fuel itself, subject to appropriate conditions;

29. noting the report of the IAEA's expert group on multinational approaches to the nuclear fuel cycle and promoting an early start to its scrutiny by the IAEA;

30. stressing, while acknowledging the nuclear arms reductions which have taken place since the end of the cold war, the need for an overall reduction in nuclear arsenals in the pursuit of gradual, systematic nuclear disarmament under Article VI of the NPT and welcoming, in this context, the ratification of the Moscow Treaty by the Russian Federation and the United States of America in 2002, while stressing the need for more progress in reducing their arsenals;

31. stressing the need to implement the declarations made by the Presidents of Russia and America in 1991 and 1992 on unilateral reductions in their stocks of non-strategic nuclear weapons and calling on all States with non-strategic nuclear weapons to include them in their general arms control and disarmament processes, with a view to their reduction and elimination;

32. recognising application of the principle of irreversibility to guide all measures in the field of nuclear disarmament and arms control, as a contribution to the maintenance and reinforcement of international peace, security and stability, taking these conditions into account;

33. recognising the importance, from the point of view of nuclear disarmament, of the programmes for the destruction and elimination of nuclear weapons and the elimination of fissile material as defined under the G8 World Partnership;

34. pursuing efforts to secure transparency, as a voluntary Confidence Building Measure to support further progress in disarmament;

35. since the Comprehensive Nuclear Test Ban Treaty (CTBT) forms an essential part of the nuclear disarmament and non-proliferation regime and with a view to its entry into force as soon as possible, without conditions, calling on States, particularly those listed in Annex II, to sign and ratify the said Treaty without delay and without conditions and, pending the entry into force of the said Treaty, calling on all States to abide by a moratorium and to refrain from any action contrary to the obligations and provisions of the said Treaty. Highlighting the importance of the work of the CTBT Organisation Preparatory Commission and actively supporting the work of the Special Representative of the States which have ratified the Treaty charged with promoting universal accession to the Treaty;

36. appealing again to the Disarmament Conference for the immediate commencement and early conclusion of a non-discriminatory, universally applicable Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, without pre-conditions, and bearing in mind the special coordinator's report and the mandate included therein and, pending entry into force of the said Treaty, calling on all States to declare and uphold a moratorium on the production of fissile material for nuclear weapons or other nuclear explosive devices. The EU welcomes the action of those of the five nuclear-weapon States which have decreed the relevant moratorium;

37. calling on all States concerned to take appropriate practical measures in order to reduce the risk of accidental nuclear war;

38. pursuing consideration of the issue of security assurances to the non-nuclear-weapon States Parties to the NPT;

39. calling on nuclear-weapon States to reaffirm existing security assurances noted by the United Nations Security Council in Resolution 984(1995) and to sign and ratify the relevant protocols on nuclear-weapon-free zones, drawn up following the requisite consultations, recognising that Treaty-based security assurances are available to such zones;

40. stressing the need for general disarmament;

41. highlighting the importance of universal accession and implementation of the Biological and Toxins Weapons Convention (BTWC), the Chemical Weapons Convention (CWC) and the conventions, measures and initiatives contributing to conventional arms control;

42. calling for universal accession to and effective implementation of the Hague Code of Conduct against Ballistic Missile Proliferation;

43. working for the resolution of the problems of regional instability and insecurity and of the conflict situations which are often at the root of armament programmes.

Article 3

Action taken by the European Union for the purposes of Article 2 shall comprise:

(a) where appropriate, demarches by the Presidency, pursuant to Article 18 of the Treaty on European Union, with a view to promoting the universality of the NPT;

(b) demarches by the Presidency, pursuant to Article 18 of the Treaty on European Union, with regard to States Parties to the NPT, in order to urge their support for the objectives set out in Article 2 of this Common Position;

(c) the pursuit of agreement by Member States on draft proposals on substantive issues for submission on behalf of the European Union for consideration by States Parties to the NPT which may form the basis for decisions of the NPT 2005 Review Conference;

(d) Statements by the European Union delivered by the Presidency in the General Debate and in the debates in the three Main Committees.

Article 4

This Common Position shall take effect on the date of its adoption.

Article 5

This Common Position shall be published in the *Official Journal of the European Union*.

Done at Luxembourg, 25 April 2005.

For the Council
The President
J. ASSELBORN

NPT/CONF.2005/42

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

18 May 2005

Original: English

New York, 2-27 May 2005

Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons

Report submitted by the Republic of Croatia

Article I

1. Having passed the test of time, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) has confirmed its role as the most important international deterrence instrument against the threat of nuclear arms proliferation, at the same time promoting the peaceful uses of nuclear energy.

Article II

2. Croatia is actively implementing the principles of non-proliferation and the non-acquisition of nuclear materials or equipment used in the production of nuclear weapons or any other nuclear explosive devices.

Article III

3. On 9 June 1994, Croatia signed the Agreement between the Republic of Croatia and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-proliferation of Nuclear Weapons with Protocol (INFCIRC/463). The Agreement entered into force on 19 January 1995 and since that time Croatia has the state system on accounting, control and physical protection of nuclear material fully established.

4. Recognizing its importance for the further strengthening of the non-proliferation and verification regime, Croatia was among the first countries to sign, on 22 September 1998, the Protocol Additional to the Agreement Between the Republic of Croatia and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/463, Add.1). The Additional Protocol entered into force on 6 July 2000 and since that time Croatia has established supervision and control measures over production and import and export of specific equipment and

materials specially designed or prepared for producing, processing or using nuclear materials. Implementation of the Additional Protocol is based on the Law on customs tariffs and the Decree specifying goods subject to export and import licences, as well as the Law on Nuclear Safety, adopted in October 2003. The Law on Nuclear Safety defines safety and protection measures while using nuclear materials and specified equipment in performing nuclear activities and establishes an independent regulatory body for nuclear safety — the State Office for Nuclear Safety.

5. Croatia considers that the Comprehensive Safeguards Agreement together with Additional Protocols constitutes the current IAEA verification standard and continues to call upon all States that have not yet done so to sign and ratify their safeguards agreements and additional protocols.

6. Croatia implements its obligations under Article III paragraph 2 by controlling the export of nuclear material and dual-use goods. In addition to the legislation that regulates nuclear material exports, in July 2004 Croatia adopted the Law on Export of Dual-Use Items. The Law has been prepared pursuant to the European Union Council Regulation (EC) No. 1334/2000 of 22 June 2000, which established an efficient common control system of the export of dual-use items in the European Union Member States, including the principles from Nuclear Suppliers Group's guidelines (INFCIRC/254). With this Law, Croatia has established a system of regulations for export control assurance for dual-use items and technologies. The Law on Export of Dual-Use Items defines conditions for export of dual-use items, competences of the government administration bodies in the implementation of the export of dual-use items, as well as rights and obligations of the exporters.

7. The Law on Export of Dual-Use Items is accompanied by the Decree on the List of Dual-Use Items, adopted by the Croatian Government in December 2004, containing the list of dual-use items identical in substance to the Annex I of the European Union Council Regulation (EC) No. 1504/2004 of 19 July 2004 (amending and updating the Regulation 1334/2000).

8. Croatia has applied for the membership in the Nuclear Suppliers Group, while the application for membership in the Zangger Committee is under preparation.

9. Croatia is a party of the Convention on the Physical Protection of Nuclear Material (CPPNM) — INFCIRC/274, and undertakes the obligation to effectively protect nuclear materials that are used, stored or transported for peaceful purposes, guided by the principles given in the IAEA document The Physical Protection of Nuclear Material and Nuclear Facilities (INFCIRC/225). Although Croatia does not possess any nuclear facilities, it is important to note that all the necessary safeguard measures are applied in all peaceful activities involving nuclear materials on its territory. Croatia will not approve the import, export or transit (transport) of nuclear materials without guarantees that these materials are protected according to levels specified in Annex I of the Convention. Illicit trafficking of nuclear materials is penalized as a criminal offence according to the Criminal Law.

10. Being an active participant in the negotiation process on an amendment to the CPPNM, Croatia was also among the 24 countries that jointly submitted a request to the Director General of the International Atomic Energy Agency to convene a diplomatic conference for its adoption.

Article IV

11. Croatia attaches particular importance to the peaceful use of nuclear energy and considers international cooperation as an inevitable element for the transfer of knowledge and experience for the safe use of nuclear energy. In this respect, Croatia especially commends, being its active participant, the Technical Cooperation Program of the International Atomic Energy Agency.

12. Although Croatia does not have nuclear fuel cycle facilities on its territory, it is sharing ownership with the Republic of Slovenia over the Nuclear Power Plant Krško, constructed as a joint investment of then two republics of the former Yugoslavia in late seventies on the Slovenian territory. In March 2003, after several years of disputes over joint exploitation of the nuclear power plant, the Agreement between the Republic of Croatia and the Republic of Slovenia on the Regulation of the Status and Other Legal Relationships, Connected with Investments in the Krško Nuclear Power Plant, its Exploitation and Decommissioning entered into force.

13. Considering nuclear safety and security with outmost attention, Croatia became State party of all relevant international conventions: the Nuclear Safety Convention (INFCIRC/449), the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (INFCIRC/546), the Convention on the Physical Protection of Nuclear Material (INFCIRC/274), the Convention on Early Notification of a Nuclear Accident (INFCIRC/335), the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (INFCIRC/336), the Vienna Convention on Civil Liability for Nuclear Damage (INFCIRC/500/Add.1) and the Joint Protocol relating to the Application of the Vienna Convention and the Paris Convention (INFCIRC/402). Croatia actively participates in the working meetings on these Conventions.

14. Based on the provisions of the Vienna Convention on Civil Liability for Nuclear Damage, Croatia has adopted, in 1998, the Law on Liability for Nuclear Damage which regulates liability in usage and management of nuclear materials.

Article V

15. Croatia signed the Comprehensive Nuclear-Test-Ban Treaty (CTBT) on 24 September 1996 and ratified it on 2 March 2001, and actively participates in the work of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, including its Working Group B dealing with the examination of verification issues. In June 2002, Croatia established a National Commission for the Comprehensive Nuclear-Test-Ban Treaty Implementation and the Ministry of Foreign Affairs and European Integration acts as the national focal point for liaison with the Preparatory Commission.

16. Considering the early entry into force of the CTBT exceptionally important, Croatia continues to call upon all States that have not yet done so to sign and/or ratify the CTBT.

Article VI

17. Croatia is fully supporting Article VI stipulation containing a clear obligation for State Parties to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control. Croatia therefore supports efforts within the framework of the Conference on Disarmament to establish, at its earliest possible opportunity, ad hoc committee aiming to conclusion of non-discriminatory, multilateral and universally applicable treaty banning the production of fissile materials for nuclear weapons or other nuclear explosive devices.

Article VII

18. Croatia welcomes the creation of nuclear-weapon-free zones recognizing them as important complementary instruments to the NPT and appreciating the role they can play in promoting regional and global peace and security. Croatia believes that the establishment of nuclear-weapon-free zones must be based on arrangements freely made among the States of the region in question, and should not interfere with existing or evolving security arrangements to the detriment of regional and international security.

Article VIII

19. Croatia fully supports continuing review process for further strengthening of the NPT. In this respect, Croatia supports the practice of submitting regular reports on implementation of the Treaty.

Article IX

20. Emphasizing outmost importance of the NPT, Croatia continues to call on all States that have not yet done so to accede to the Treaty.

Article X

21. Croatia regrets the notification by the DPRK of its withdrawal from the NPT. Croatia believes that the question of withdrawal from the Treaty should be seriously addressed.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

20 May 2005

Original: English

New York, 2-27 May 2005

Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

Report submitted by Brazil

Article I

1. Both individually and as a member of the New Agenda Coalition, Brazil has consistently called upon the five States known as Nuclear Weapon States (NWS) under the Treaty to undo the effects of the nuclear proliferation they engaged in through the accumulation of weapons, hence to strive to achieve nuclear disarmament. Like other types of weapons of mass destruction, which are prohibited under their respective regimes, nuclear weapons should be completely eliminated. There should be no excuse for its use, indefinite retention, development or acquisition. The NPT is instrumental for this objective.

Article II

2. The Brazilian Constitution expressly forbids all non-peaceful nuclear activities. It effectively outlaws all activities involving nuclear weapons, which are prohibited within the national territory, in line with Brazil's commitments and obligations under the NPT.

3. Brazil does not possess — nor has it ever developed — nuclear weapons. Brazil has always fulfilled its nuclear non-proliferation commitments. Legislation in force prohibits and prevents the testing, use, manufacture, production or acquisition by any means of any nuclear explosive device in its territory. Furthermore, Brazil abstains from carrying out, promoting or authorizing, directly or indirectly, or from participating, in any way, in any of the said activities. Brazil is not a party to any strategic alliance or security system that contemplates the possibility of using nuclear weapons.

4. Brazil shares the concerns about the risk that weapons of mass destruction and related technologies may fall into the hands of non-State actors or terrorists. Such risk only strengthens the need to work towards complete nuclear disarmament. Brazil believes that the need to curb proliferation should not in any way justify the indefinite retention of nuclear weapons by any State, or hamper either the economic

and technological development of the Parties or international cooperation in the field of peaceful nuclear activities.

5. The concern about proliferation outside the Treaty is legitimate. Complacency with proliferation outside the NPT is inconsistent with efforts to strengthen the Treaty's regime and may defeat the purpose of eliminating nuclear weapons. The goal of universality must be stressed in this regard.

6. Besides the obligations derived from the Non-Proliferation Treaty (NPT) and the incorporation into its national legislation of the guidelines adopted in the context of the Nuclear Suppliers Group (NSG), of which it is a member, Brazil has developed national legislation for the control of every nuclear activity, which defines specific penalties for activities not authorized by the Government in this field. This legislation is in line with United Nations Security Council resolution 1540 (2004):

- The Federal Constitution of 1988[1] determines that "all nuclear activity within the national territory shall only be admitted for peaceful purposes and subject to approval by the National Congress";
- Act No. 4.118, of August 27, 1962,[2] created the National Commission for Nuclear Energy (CNEN). It determines that all activities related to the nuclear field (transfer, possession, development, production etc.) are a monopoly of the State. It establishes that control of these activities is incumbent upon CNEN. It defines as a crime against national security the clandestine export or import of nuclear materials (Article 39). Furthermore, it prohibits the possession or transfer of nuclear materials, including by-products, without explicit authorization from CNEN, even within the domestic market (Article 40);
- Act No. 6.453, of October 17, 1977,[3] established civil responsibility for nuclear damages and criminal responsibility for acts related to nuclear activities. It defined and penalized the production, processing, supplying and use of nuclear material without necessary authorization or for other purposes than those allowed by law (Article 20), as well as the export and import of nuclear material without due official licence (Article 25). If related to terrorist acts, the penalties associated to these offences are cumulative to those provided for crimes of terrorism.

Article III

7. All of the nuclear material in Brazil is accounted for by the National Commission for Nuclear Energy (CNEN) and is subject to IAEA Comprehensive Safeguards.

8. In addition, Brazil and Argentina have established the Brazil-Argentine Agency for Accounting and Control of Nuclear Material (ABACC), which is responsible for the administration and application of the Common System of

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[1] Federal Constitution, Article 21, paragraph XXIII, literal "a".

[2] Published in the "Official Journal of the Union" of August 27, 1962. Text in Portuguese available at https://www.planalto.gov.br.

[3] Published in the "Official Journal of the Union" of October 17, 1977. Text in Portuguese available at https://www.planalto.gov.br.

Accounting and Control (SCCC) of all nuclear activities in Brazil and Argentina, with a view to ensuring that no material is diverted or used in an inappropriate or unauthorized manner, in conformity with the purposes of the Bilateral Agreement that created the Agency.

9. The Quadripartite Agreement between Brazil, Argentina, ABACC and IAEA (December 13, 1991) subjects all of Brazil's nuclear activities to IAEA Comprehensive Safeguards. Physical monitoring of nuclear activities, as mandated under the NPT, is conducted both by IAEA and ABACC (under the terms of the Quadripartite Agreement). Such monitoring started before Brazil's accession to the NPT. All 35 Brazilian nuclear facilities are under international ABACC and IAEA safeguards, including one uranium isotopic enrichment laboratory and one uranium enrichment pilot plant that are located at military facilities. About 60 IAEA and ABACC on-site inspections are conducted every year.

10. The concern that peaceful nuclear programmes may be used as cover for nuclear proliferation must be shared by the entire international community. However, the proposals that have been made to counter this concern tend, on the one hand, to ignore the successful track record of the system of safeguards now in place for non-nuclear-weapon IAEA members; and, on the other, to wrongly blame the NPT for loopholes that supposedly render it ineffective to combat nuclear non-proliferation.

11. Brazil has always supported the strengthening of the safeguards system within the IAEA and agrees that there is a need for additional measures to be negotiated between individual Parties and the Agency. It is Brazil's view that the strengthening of safeguards should be assessed in the light of the wider disarmament and non-proliferation context. Non-proliferation has been emphasized of late, with a view to extracting further commitments from non-nuclear-weapon States. Further measures to strengthen the current safeguards regime should not result in additional financial burden on Member States, particularly developing countries. It is important to maintain a balance in the activities of the Agency regarding verification on the one hand and promotion of peaceful applications of nuclear energy, including technical assistance on the other.

Article IV

12. The NPT clearly recognizes the inalienable right to the development and use of nuclear energy for peaceful ends, which predated the Treaty. This recognition of this inalienable right was a central part of the bargain that was struck at the creation of the nuclear disarmament and non-proliferation regime. This bargain was at the core of the creation of the IAEA, and it was later to prove instrumental in establishing the NPT and in making it a permanent, quasi-universal regime.

13. Brazil has been a member of the IAEA since 1957. It participates in an active and constructive manner in the work of the Agency, with the aim of ensuring the right to the peaceful use of nuclear technology and to promote international cooperation in this field.

14. The development and uses of nuclear energy for exclusively peaceful purposes is a fundamental principle of our national policy, which is enshrined in our Constitution. We remain convinced of the potential benefits of the responsible use

of nuclear technologies and of the synergies fostered by international cooperation in the nuclear field, for which the work of the IAEA is of great importance.

15. Brazil receives significant benefits from international cooperation. It also assists others by supplying them with technical cooperation in the field of nuclear science and peaceful nuclear technology applications.

16. Brazil maintains nearly 20 bilateral nuclear cooperation agreements, with both developed and developing countries. In the multilateral arena, Brazil attributes particular relevance to the IAEA Technical Cooperation Programme (TCP), of which it is an active participant, both as a beneficiary and as a donor of technical cooperation. Such activities have been of the essence for the country's peaceful uses of nuclear energy, as well as for its collaboration with other countries, mainly in Latin America.

17. Under the aegis of the TCP, Brazil sends 50 technicians for training abroad every year. Furthermore, it extends over 40 scholarships for nationals of Latin American and Caribbean, African, and Asian countries to receive training at Brazilian institutions. Brazil also makes available about two dozen of its nuclear specialists every year to serve in the context of IAEA expert missions abroad.

18. Brazil has been an active participant of the Regional Cooperative Agreement for the Advancement of Nuclear Science and Technology in Latin America and the Caribbean (ARCAL) since the 1980s, mainly as a donor country, both by making scholarships at its nuclear institutions available for training Latin American and Caribbean experts, as well as by making Brazilian experts and instructors available to assist other countries in the region.

19. Brazil also participates in international initiatives with a view to developing innovative reactor designs, such as INPRO and Generation IV.

20. Nuclear techniques are being applied by Brazil, in close collaboration with its Mercosul partners, Argentina, Paraguay and Uruguay, in order to harness the full potential of the "Guarani Aquifer" (underground water reservoir), one of the world's largest underground fresh water reserves, which spans the four countries.

21. Regarding the peaceful uses of nuclear energy, Brazil presently operates two nuclear power stations, which generate approximately 2,000 MW, or 3 per cent of the country's total electrical power generation. Brazil is endowed with the world's sixth largest uranium ore reserves, with 70 per cent of the territory still to be prospected.

22. Brazil has developed wide-ranging production capabilities, from mining and processing of uranium to UO_2 and nuclear fuel element production, all the way to isotopic uranium enrichment. Uranium enrichment activities were started in 1987 at the Aramar Experimental Center, which developed the technology indigenously. Brazil's first industrial nuclear fuel facility, located at Resende, is now fully operational.

23. Besides electrical power generation, Brazil's nuclear activities extend to wide-ranging applications in medicine, agriculture, industry and environmental protection. Over 600 hospitals use nuclear techniques for both in vitro and in vivo procedures. More than 450 clinical facilities apply radiopharmaceutical products in over 2.5 million medical procedures every year. Furthermore, there are approximately 200 specialized laboratories, which conduct radio-immune assays.

24. Nearly 600 industrial plants use radioisotopes, e.g. in food irradiation, polymerization, industrial radiography and oil-well operations.

Article V

25. The Final Document of the 2000 Review Conference affirms that provisions in this article are to be interpreted in the light of the Comprehensive Nuclear-Test-Ban Treaty (CTBT). Brazil signed the CTBT on the date it opened for signature, 24 September 1996, and ratified it soon afterwards.

26. In line with this commitment, Brazil also revoked its the reservations under the Tlatelolco Treaty concerning peaceful nuclear explosions, thus relinquishing the right to conduct them.

27. Brazil has consistently called for the universalization of the CTBT. Furthermore, it continues to call for signatories that have not done so, particularly those 11 States listed in Annex 2 of the Treaty, to ratify it with a view to its early entry into force.

Article VI

28. Nuclear non-proliferation and nuclear disarmament are mutually reinforcing processes. Thus, the strengthening of the safeguards system is expected to go hand in hand with concrete progress towards the goal of nuclear disarmament. Fulfilment of all 13 steps agreed at the 2000 NPT Review Conference is crucial in this context.

29. Brazil decided to adhere to the NPT to act more effectively in favour of nuclear disarmament, and to join other Parties in their efforts to correct the Treaty's imbalances and to contribute to its universality and enhanced credibility. The Brazilian Congress approved Brazil's accession under the understanding that "effective measures will be taken with a view to the cessation of the nuclear arms race at an early date and the total elimination of nuclear weapons", as stated in the Legislative Decree that approved the NPT.

30. Brazil welcomes the announcements regarding substantial reductions in nuclear arsenals. The reductions in the numbers of deployed strategic nuclear warheads envisaged by the Treaty of Moscow represent a positive step in the process of nuclear de-escalation.

31. However, Brazil notes that the fundamental principles of verification and irreversibility should be applied to all disarmament measures. There should be no possibility of redeploying nuclear weapons in current non-operational status, for this would render unreliable nuclear weapon reduction figures and statistics. Particularly disturbing are new approaches concerning the role of nuclear weapons in security strategies, especially studies on the possible development of low yield nuclear weapons and plans related to their tactical uses, including countering conventional forces.

32. The "unequivocal undertaking" agreed upon in 2000 should be demonstrated by further, stronger nuclear disarmament measures. Little has been done since 2000 by the 5 NWS to reduce the importance of nuclear weapons at their defence and strategic doctrines. The continuous importance attached by the 5 NWS to nuclear weapons suggests to the rest of the world that such weapons are indeed relevant to security needs. This perception may generate genuine interest in such an option in other Parties, which would in turn stoke the flames of nuclear proliferation.

Article VII

33. Brazil is a founding member of the first nuclear-weapon-free zone in an inhabited region of the world, which is the hallmark of the Treaty of Tlatelolco adopted by all Latin American and the Caribbean States in 1967. This Treaty, which actually predates the NPT itself, has now been ratified by every country in the region, and it is considered a beacon for other initiatives modelled after it around the world.

34. We strongly support the implementation of nuclear-weapon-free zones and consider that they shall play an increasingly important role with a view to promoting the building of mutual confidence and nuclear disarmament worldwide. In that spirit, Brazil participated in the Conference of Nuclear-Weapon-Free Zones, held from April 26 to 28, 2005 at the site of the signing of the Treaty of Tlatelolco.

35. In 2004, the State parties to the Treaty of Tlatelolco renewed their call to the Nuclear-Weapon States to extend them negative security assurances under the aegis of the Protocols of the Treaty. Unfortunately, once again the Nuclear-Weapon States' response has been discouraging, as they have chosen to hold on to their reservations to the Protocols. Brazil will continue to encourage the NWS to review this position, both bilaterally and as a State party to the Treaty of Tlatelolco.

36. We welcome the support of many States to the resolutions adopted at the fifty-sixth session of the United Nations General Assembly with a view to establishing or consolidating nuclear-weapon-free zones.

Article VIII

37. Every nation holds high stakes in the promotion of the nuclear disarmament, peaceful development and use, and non-proliferation goals of the NPT. The backdrop of disquieting developments which have taken place over the last 15 years make it ever more important to strengthen the Treaty's accountability and sustainability over the long run.

38. Such a review process should holistically consider all of the NPT State parties' commitments under the aegis of the Treaty.

39. Confidence in the review process as a guarantor of the fundamental bargain on which the Treaty is based should not be allowed to erode.

Article IX

40. Brazil considers that the universalization of the NPT remains one of the key challenges for the future of the Treaty. Accordingly, it has repeatedly called on those States not yet party to the Treaty to accede to it as non-nuclear-weapon States Parties. At the same time, it notes with concern that there are visible, worrisome signs of a gradual accommodation of the "de facto" nuclear status of those States that are not yet Parties to the NPT and have failed to renounce the nuclear-weapons option. Such an attitude would contradict the letter and the spirit of the NPT as well as of United Nations Security Council resolution 1172. Brazil also recalls and fully supports the 2000 Review Conference Final Document declaration that nuclear tests "do not in any way confer a nuclear-weapon State status or any special status whatsoever".

41. Furthermore, on February 11, 2005 Brazil deplored the announcement by the Democratic People's Republic of Korea (DPRK) that it is in possession of nuclear weapons and that it intends to continue to develop them. We thus reaffirm our call to the DPRK to reconsider this decision and to reaffirm its commitments under the NPT. Brazil considers that the 2005 NPT Review Conference has, in this regard, a twofold task: to urge non-States Parties to accede to the NPT without conditions and without delay, and to call on States Parties to refrain from any action that may contravene or undermine the fulfilment of the objectives of the Treaty as well as of relevant United Nations resolutions.

Article X

42. Brazil considers that the decision to withdraw from the NPT is a sovereign right that is widely recognized under international law. The indefinite extension of the NPT adopted at the 1995 Review Conference has not in any way altered the validity of Article X as it concerns the withdrawal procedure, which Brazil considers to conform to international conventional practice.

43. Considering the nature of the Treaty and its relevance for international peace and stability, Brazil considers that Article X entreats the United Nations Security Council to engage itself in diplomatic negotiations to address the reasons adduced by a State to seek its withdrawal from the NPT.

44. Furthermore, Brazil considers that ways should be sought to make withdrawal from the NPT more onerous a decision for States Parties to take, especially if such withdrawal is associated to the intent to engage in nuclear proliferation or in any other way to erode the Treaty's effectiveness. Such consideration should take into account the implications that actions discouraging withdrawal may have for legitimate rights under other conventions and agreements, including those of a commercial nature.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

20 May 2005

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Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament

Report submitted by Nigeria

1. The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) has contributed immensely to international peace and stability. Nigeria is proud to have contributed to this process by renouncing the nuclear option. Nigeria has always reaffirmed her commitment to the Treaty as a vital instrument for the maintenance of international peace and security. As a demonstration of this commitment, and her strong belief in a nuclear-free world, she had concluded safeguards agreement with IAEA and ratified the Treaty of Pelindaba on the African Nuclear-Weapon-Free Zone. Nigeria will continue to remain faithful to her obligations and responsibilities under the Treaty.

2. Nigeria has continued to abide by its commitment to NPT and has never received nor solicited any transfer of nuclear weapons or nuclear explosive devices. Nigeria does not manufacture and did not acquire or receive control over nuclear weapons or other nuclear explosive devices.

3. The existence of nuclear weapons has continued to pose serious threat to the international community. In this regard, and bearing in mind that NPT is the only legally-binding international agreement that commits nuclear-weapon States to nuclear disarmament, Nigeria has always called on States parties to reaffirm their commitment to the full implementation of the Treaty in all its aspects, particularly article VI. Nigeria believes that this should be one of the major challenges for States parties. Nigeria also underlines the importance and urgency of achieving the universality of Treaty.

4. The need to confront this challenge is in keeping with the resolve of the global community in the Millennium Declaration to strive for the elimination of weapons of mass destruction, particularly nuclear weapons. In this connection, Nigeria also recalls a similar commitment in the same declaration to keep all options open for achieving this aim, including the possibility of convening an international conference to identify ways and means of eliminating nuclear danger. The urgent

need to confront the threat of nuclear weapons is particularly relevant now as the Millennium Declaration becomes due for review. Nigeria has always supported all resolutions at the United Nations General Assembly and other multilateral forums related to nuclear disarmament, and will continue to do so.

5. Pending the total elimination of those weapons, it is imperative for Member States to agree on the establishment of a legally-binding international instrument under which the nuclear-weapon States will undertake not to use or threaten to use nuclear weapons against non-nuclear weapon States. The International Court of Justice had reinforced this principle in 1996 in its advisory opinion on the legality of the threat or use of nuclear weapons. Nigeria has expressed its support for that advisory opinion because she firmly believes that nuclear non-proliferation can only be meaningfully sustained if non-nuclear-weapon States that have renounced the development or possession of nuclear weapons are themselves assured, under legally-binding agreement, against the use or threat of use of such weapons. By transforming the disparate assurances declared by the nuclear powers into a unified, legally-binding obligation, the nuclear powers will not only be fulfilling part of their commitments towards these States but also reinforcing the non-proliferation regime against possible future setbacks. Nigeria also believes that the total elimination of nuclear weapons remains the only absolute guarantee against the use or threat of use of nuclear weapons.

6. Nigeria supports Final Document adopted by consensus at the 2000 Review Conference, as well as the decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament and the resolution adopted by the 1995 Review and Extension Conference as valuable platforms for the review process and for full implementation of NPT. In particular, Nigeria endorses the 13 practical steps adopted by the 2000 Review Conference for the systematic and progressive efforts to implement the unequivocal commitment undertaken by States parties to accomplish the total elimination of their arsenals leading to nuclear disarmament. Nigeria has always expressed grave concern at certain developments, including the emergence of new strategic doctrines in some nuclear-weapon States, which have shrouded the expected implementation of these important commitments with uncertainty. Nigeria has always called upon States parties to reaffirm their commitment to the obligations they assumed in 2000 under the 13 Practical Steps and to the Treaty as a whole.

7. Nigeria supports the total elimination of nuclear testing. As a demonstration of this support, Nigeria ratified Comprehensive Nuclear-Test-Ban Treaty (CTBT) in 2001 and has always voted in favour of General Assembly resolutions calling for entry into force of CTBT. Nigeria has always participated actively in the Conferences for the entry into force of the Treaty. Nigeria has always stressed the significance of achieving universal adherence to CTBT, by all nuclear-weapon States, which, among others, should contribute to the process of nuclear disarmament. She has consistently called upon all States whose ratification is necessary for the Treaty to enter into force to do so urgently to enable the Treaty to enter into force without further delay. Pending its entry into force, the nuclear-weapon States and other nuclear powers should maintain the moratorium on nuclear-weapon-test explosions. Nigeria believes, however, that observance of the existing moratorium on nuclear testing should not substitute for a comprehensive ban on nuclear-weapon testing.

8. Nigeria has acknowledged the importance of bilateral efforts by the two major nuclear powers in setting in motion the process of reducing strategic offensive nuclear weapons as a positive step towards nuclear disarmament. Nigeria, however, shares the view of the vast majority of Member States that reduction in deployments and in operational status cannot substitute for irreversible cuts in, and the total elimination of, nuclear weapons. Of equal significance is the need for these efforts to be transparent and verifiable.

9. Nigeria has consistently called for the establishment in the Conference on Disarmament of an Ad Hoc Committee to negotiate a non-discriminatory, multilateral, and internationally and effectively verifiable treaty banning the production of fissile materials for nuclear weapons or other nuclear explosive devices, as agreed at the 2000 NPT Review Conference. At the Conference on Disarmament, Nigeria had advocated a reliable verification mechanism for such instrument that will not exclude existing stockpiles.

10. Nigeria has supported all General Assembly resolutions calling on the Conference on Disarmament to agree to commence work on substantive issues before it as soon as possible. Nigeria has continued to reiterate its full support for the Five Ambassadors Proposal as a mechanism for breaking the existing impasse in reaching a work programme for the Conference on Disarmament.

11. Nigeria recognizes the important role of IAEA in promoting international cooperation on peaceful uses of nuclear energy and has discouraged any moves by IAEA Member States that could hinder the peaceful application of nuclear technology as provided for in the Treaty. In this connection, Nigeria has urged States parties to adopt appropriate measures to preserve the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination as contained in the Treaty. She has, however, underscored the need for all States parties to place their nuclear facilities under full-scope IAEA safeguards as essential for building confidence in this respect. On its part, the Nigerian Government has established an agency that will regulate all nuclear-related activities in the country in conformity with the relevant provisions of NPT and the Statute of the IAEA. Nigeria has signed the African Regional Cooperative Agreement for Research, Development and Training Related to Nuclear Science and Technology which has cooperative arrangement with the IAEA.

12. Nigeria has continued to support efforts aimed at establishing nuclear-weapon-free zones in all regions of the world on the basis of arrangements freely arrived at by the States in the region concerned. She has consistently reaffirmed the need for the establishment of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East. Nigeria participated actively at the international Conference of States parties and signatories to Nuclear-Weapon-Free Zone treaties that took place in Mexico from 26 to 28 April 2005 which represents another demonstration of her belief in advancing the objectives of nuclear non-proliferation.

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Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons

Report submitted by Indonesia

1. Since Indonesia became a party to the NPT in 1979, it has shown full commitment both to the letter and spirit of the Treaty. As a declared non-nuclear weapon State, Indonesia has always been in the forefront of the international community's concerted efforts for non-proliferation and for a nuclear-weapons-free world.

2. Indonesia continues to regard the Treaty as a cornerstone of the non-proliferation regime and an essential foundation for nuclear disarmament. It is committed to preserving the Treaty's integrity through the full implementation of its provisions as well as the consensus documents of 1995 and 2000 by all States Parties which provide the yardstick to determine its integrity and viability.

Article I

3. Indonesia wishes to emphasize the particular importance attached to the strict observance of this Article which enjoins nuclear-weapons States not to transfer nuclear weapons or control over such weapons to non-nuclear States. It also prohibits the former from assisting or encouraging the latter from manufacturing or acquiring such weapons. These allow for no exceptions to prevent the proliferation of nuclear weapons and are binding in times of peace as well as in times of war. This also includes an obligation to refrain from stationing nuclear weapons on the territories of non-nuclear States parties to the Treaty and cooperation for military purposes under any kind of security arrangements. Regrettably, these obligations have been disregarded by some States Parties which calls for their effective implementation.

Article II

4. Indonesia continues to abide by its obligation not to receive nuclear weapons or gain control over such weapons, either directly or indirectly. Most importantly, it is firmly committed not to manufacture or otherwise acquire these weapons and not seek or receive any assistance in the manufacture of these weapons.

Article III

5. The role of the IAEA as the competent authority for strengthening the non-proliferation regime through its comprehensive safeguards, verification procedures and Additional Protocol has been consistently supported by Indonesia. Thus, it has fully cooperated with the Agency and earned its confidence by ensuring compliance with peaceful use undertakings, especially in the context of non-diversion of declared nuclear materials and the absence of undeclared nuclear activities.

6. However, it is fully recognized that access to nuclear technology due to its dual nature also facilitates the acquisition of a weapons capability. This places a special responsibility on the States concerned to build confidence with the international community to dispel any concerns about proliferation. They need to ensure that the IAEA is able and permitted to verify that these capabilities are being used exclusively for peaceful purposes through appropriate mechanisms.

Article IV

7. In Indonesia's view, restrictions on the supply of nuclear energy for peaceful purposes corrode the Treaty's provisions and deepen the inherent imbalances and discrimination between the nuclear-haves and have-nots. Hence, the question of assured access to the peaceful uses of nuclear energy can usefully be pursued by implementing the IAEA's proposal for the establishment of multilateral or international facilities. This would provide internationally guaranteed and economically feasible supplies of nuclear fuel and services in a transparent manner open to participation by all States and thereby meet the future energy needs of both developed and developing nations.

8. As a long-term strategy, Indonesia has recognized that dependence on oil should be reduced and replaced by other renewable resources, including nuclear energy. It is envisioned that the introduction of nuclear power programmes would not only satisfy the increased demands for electricity but also serve the dual purpose of saving finite fossil resources for the future and as an integral part of efforts to reduce global warming. While pursuing these policies, Indonesia will endeavour to strike a harmonious balance between verification, promotional activities and technical cooperation with regard to the utilization of nuclear energy. The IAEA can play a useful role in launching a campaign to educate the public about the wide-ranging ramifications of a programme for nuclear energy in the twenty-first century.

9. The law enforcement authorities in Indonesia are fully aware of the dangers posed to its nuclear infrastructure by non-State actors. Hence, they have taken appropriate steps to ensure the safety and security of its nuclear installations and facilities in accordance with internationally required standards.

Article V

10. The 2000 Final Document has stipulated that Article V concerning potential benefits from peaceful applications of nuclear explosions is to be interpreted in the context of the Comprehensive Nuclear-Test-Ban Treaty. This Treaty is awaiting ratification by the Indonesian Parliament. Meanwhile, Indonesia is gratified by the progress made, among others, in the creation of a verification regime to ensure compliance with its provisions and looks forward for further advances during the

next Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty scheduled to be held in September 2005.

Article VI

11. Indonesia is deeply concerned at the asymmetry in the implementation of commitments for nuclear disarmament. In the near term, the weapons States must give up plans for the development of new types of nuclear weapons; facilitate the early entry into force of the CTBT; expedite the resumption of negotiations leading to the conclusion of a treaty to ban the use of fissile materials for weapons purposes; devalue the role of nuclear weapons in security policies; and render irreversible and verifiable the nuclear reductions agreed in the Moscow Treaty. Most fundamentally, multilaterally negotiated agreements for the total elimination of arsenals within a time-bound framework remains Indonesia's priority objective in the nuclear equation. Such an approach will ensure the vitality and longevity of the non-proliferation regime.

Article VII

12. In accordance with the right of States to conclude regional treaties for the total absence of nuclear weapons from their territories, Indonesia along with other signatories to the Bangkok Treaty, has called for the early ratification of its Protocol by the nuclear weapon States. We are hopeful that consultations will continue with a greater sense of urgency in resolving outstanding differences which will ensure the effectiveness of the zone.

13. In this regard, Indonesia emphasizes the paramount importance of providing security assurances to the non-nuclear-weapon States against the use or threat of use of nuclear weapons through a legally binding international instrument. This will constitute a critical element to maintain the norms of the non-proliferation regime.

Article VIII

14. Deals with amendments to the Treaty and convening of Review Conferences until 1995; hence, non-applicable. Yet, it is pertinent to recall that the three 1995 decisions — Strengthening the Review Process, Principles and Objectives for Nuclear Non-Proliferation and Disarmament and the Indefinite Extension of the Treaty — along with the Resolution on the Middle East are integral and inseparable.

Article IX

15. Any State that does not sign the Treaty prior to its entry into force may accede to it at any time. There are three non-signatories. The lack of progress in nuclear disarmament is an important obstacle to universalization of the Treaty proclaimed in 1995. It is unlikely that they will accede to the Treaty but it is important that they conform to the collectively agreed norms and obligations of the non-proliferation regime.

Article X

16. Indonesia regrets the withdrawal of the DPRK from the NPT and calls on that State to resume its full obligations under the Treaty and the safeguards agreement

with the IAEA. The question of future withdrawals will have to be dealt with through negotiations and a consensus decision.

17. The 1995 decisions included a Strengthened Review Process and an indefinite extension of the Treaty that was intended to ensure accountability, inter alia, by submitting annual reports on the implementing of its provisions. Such reporting, called for in the 2000 document, would contribute substantively to the regime's credibility and acceptance.

18. Indonesia continues to support the consensus decisions adopted by the 1995 and 2000 Review Conferences. It remains convinced of the need to follow through by all States Parties on the commitments contained in those documents in their entirety to solidify the non-proliferation regime and to place it on a more solid footing.

19. The Non-Aligned Movement has proposed the creation of an open-ended intersessional standing committee to ensure the implementation of the Treaty's obligations and other related agreements. Its implementation would augment the collective capabilities of the NPT States Parties to monitor and promote both non-proliferation and nuclear disarmament and thereby contribute substantively to the restoration of confidence in the credibility of the non-proliferation regime.

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2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament"

Report by Sweden

Introduction

1. As stated in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in the section entitled "Article VI and eighth to twelfth preambular paragraphs", in paragraph 15, subparagraph 12, the Conference agreed on: "Regular reports, within the framework of the strengthened review process for the Non-Proliferation Treaty, by all States Parties on the implementation of Article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", and recalling the advisory opinion of the International Court of Justice of 8 July 1996. Sweden would hereby like to submit her report to the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

2. Since the first session of the Preparatory Committee in 2002, Sweden has actively participated in the work on nuclear disarmament and non-proliferation. This has been done, for example, through the European Union, together with the other States in the New Agenda Coalition, and together with other like-minded States for example with regard to the issue of non-strategic nuclear weapons and the issue of disarmament and non-proliferation education. Disarmament and non-proliferation of nuclear weapons is a cornerstone in Swedish foreign policy and Sweden is a staunch supporter of efforts aimed at advancing progress in this field. In a op-ed article in the International Herald Tribune on 22 September 2004, the Foreign Minister of Sweden, Ms. Laila Freivalds, together with the six other Foreign Ministers of the New Agenda Coalition emphasized that nuclear non-proliferation and disarmament go hand in hand and are mutually reinforcing. They argued that non-proliferation is vital but not sufficient to meet the threats of today. If nuclear disarmament is not pursued, the world may end up with a new nuclear arms race and a weakened NPT regime. All NPT parties were called upon to comply with their respective commitments under the Treaty, and the Treaty should be made universal. Any plans

to develop new nuclear weapons were asked to be shelved immediately. The Ministers also emphasized the importance of the early entry into force of the Comprehensive Nuclear Test-ban Treaty and that negotiations be started immediately on a verifiable fissile material cut-off treaty.

3. In an address given at the Conference on Disarmament on 15 March 2005, Foreign Minister Freivalds stated that political leaders must realize that in the twenty-first century, legitimate security concerns of all States must be acknowledged, respected and addressed. Global security is not a zero-sum game. Effective multilateralism enhances security for all and includes the seizing of opportunities when they arise, such as negotiating a fissile material cut-off treaty. Those blocking progress must be made to understand that the inertia in the CD is doing damage to both their own security and to our common security.

4. At the fifty-ninth United Nations General Assembly, Sweden coordinated the New Agenda Coalition and tabled, together with the other States in the Coalition, a resolution entitled "Accelerating the implementation of nuclear disarmament commitments" (59/75). The resolution emphasized the need for the acceleration of nuclear disarmament commitments leading up to the 2005 NPT Review Conference, recalled the unequivocal undertaking to accomplish the total elimination of nuclear weapons, which the nuclear-weapon States committed themselves to in 2000, and the practical steps to achieve nuclear disarmament, and highlighted a number of the steps on which immediate action was particularly urgent and realistic in light of the upcoming NPT Review Conference. The resolution was adopted by the General Assembly, and supported by more than 150 countries, showing broad cross-regional support for the nuclear disarmament pillar of the NPT.

5. Sweden supported, at the fifty-ninth United Nations General Assembly, a number of resolutions on nuclear disarmament and non-proliferation, for instance the resolutions on the establishment of a nuclear-weapon-free zone in the region of the Middle East (59/63), on the risk of nuclear proliferation in the Middle East (59/106), on the establishment of a nuclear-weapon-free zone in Central Asia (59/513), on a nuclear-weapon-free southern hemisphere and adjacent areas (59/85) and on the follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons (59/83).

6. Sweden also is committed to the effective implementation of the EU strategy against proliferation of weapons of mass destruction, adopted by the EU Heads of State and Government in December 2003.

7. To further address the threats posed by weapons of mass destruction the Swedish Government established in 2003 an independent international Commission on these weapons. The Commission will present its report, including recommendations on disarmament and non-proliferation measures, to the Swedish Government and the Secretary-General of the United Nations by 2005/2006.

Implementation of the 13 practical steps for the systematic and progressive efforts to implement article VI of the NPT and paragraphs 3 and 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" included in the Final Document adopted by consensus at the 2000 NPT Review Conference

8. Step 1: The importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty.

9. Sweden ratified the CTBT on 2 December 1998. Sweden has worked for the early entry into force of the Treaty bilaterally and through the European Union. Sweden has continuously supported the work of the Provisional Technical Secretariat in Vienna and its efforts to establish the international monitoring system for the verification of the Treaty. Sweden has promoted signatures and ratifications of the Treaty through démarches made by the European Union to a number of States. Sweden supported the resolution (59/109) entitled "Comprehensive Nuclear Test-Ban Treaty" adopted by the 59th United Nations General Assembly, which called for measures to enable the Treaty to enter into force. Sweden supports the Article XIV Conferences as important instruments contributing to the early entry into force of the CTBT. Sweden supports the adoption at the third Article XIV Conference in 2003 of the twelve specific and practical measures to promote the early entry into force of the Treaty. Sweden also supports the holding of a fourth Article XIV Conference in September 2005.

10. Step 2: A moratorium on nuclear weapon test explosions or any other nuclear explosions pending the entry into force of that Treaty.

11. Sweden has continuously supported the upholding of a moratorium on nuclear weapon test explosions or any other nuclear explosions by the nuclear-weapon States pending the entry into force of the CTBT.

12. Step 3: The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives. The CD is urged to agree on a programme of work, which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.

13. It is of great concern to Sweden that the Conference on Disarmament has not been able to agree on a programme of work since 1998 and, as a consequence, that negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear devices have not yet commenced. Sweden believes that it is of paramount importance that the members of the CD agree on a programme of work as soon as possible. Sweden has actively participated in conferences, workshops and seminars on the FMCT-issue, as well as on the issue of the prevention of an arms race in outer space (PAROS). Sweden supported the decision (59/81) on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, which was adopted by the fifty-ninth United Nations General

Assembly. Within the European Union and together with the other States in the New Agenda Coalition, Sweden calls for the declaration of and the upholding of existing moratoriums on the production of fissile material for military purposes pending the conclusion of a legally binding treaty.

14. Step 4: The necessity of establishing in the CD an appropriate subsidiary body with a mandate to deal with nuclear disarmament. The CD is urged to agree on a programme of work, which includes the immediate establishment of such a body.

15. Sweden supports the establishment of a subsidiary body in the CD to deal with nuclear disarmament. Sweden has proposed that discussions on nuclear disarmament can take at its point of departure security policy doctrines and information exchange on current nuclear weapons capabilities and nuclear disarmament measures.

16. Step 5: The principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures. Irreversibility is a fundamental principle for nuclear disarmament. Only irreversible reductions can assure that redeployment of nuclear weapons does not occur.

17. Sweden continues to stress that the principle of irreversibility should be applicable to all disarmament and arms control measures, unilateral, bilateral or multilateral.

18. Step 6: An unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to the nuclear disarmament, to which all States Parties are committed under article VI.

19. Sweden, unilaterally and together with the States in the New Agenda Coalition, continues to press for States to live up to their commitments regarding the total elimination of nuclear arsenals. The unequivocal undertaking that the nuclear-weapons States committed themselves to at the 2000 NPT Review Conference is yet to be fulfilled.

20. Step 7: The early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the Treaty on the Limitation of Anti-Ballistic Missile Systems as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.

21. Sweden notes the United States withdrawal from the ABM Treaty, the abrogation of START II, the withering away of START III, and the conclusion in 2002 of the Moscow Treaty on strategic offensive reductions. The Moscow Treaty is a development to be welcomed and an example of a concrete agreed measure to reduce the operational status of nuclear weapon systems as called for in the 13 steps. Sweden urges the Russian Federation and the United States to conduct further reductions in their strategic and non-strategic nuclear arsenals, to also address non-operational warheads, to make reductions irreversible, transparent and verifiable, and, for this latter purpose, to prolong the verification provisions of the START I Treaty beyond 2009.

22 Step 8: The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.

23. Sweden supports the initiative. It should be applied in the context of disarmament undertakings.

24. Step 9: Steps by all nuclear-weapon States leading to nuclear disarmament in a way that promotes international stability and based on the principle of undiminished security for all; further efforts by the nuclear-weapon States to reduce their arsenals unilaterally; increased transparency by the nuclear-weapon States with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament; the further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process; concrete agreed measures to further reduce the operational status of nuclear weapons systems; a diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination; the engagement as soon as appropriate of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons.

25. Sweden fully supports these steps and continues to press for advancements in their implementation. In particular, Sweden continues to press for progress regarding reductions of non-strategic nuclear weapons. Sweden believes that it is essential that non-strategic nuclear weapons be included in international arms control and disarmament efforts. Non-strategic nuclear weapons are a global concern. Against this background, Sweden together with the other States in the New Agenda Coalition, have presented resolutions on the reduction of non-strategic nuclear weapons, which were adopted by the fifty-seventh and fifty-eighth United Nations General Assembly. At the second session of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Sweden together with Austria and Mexico, submitted a working paper on non-strategic nuclear weapons, and at the third session a second working paper on reduction of non-strategic nuclear weapons together with Austria and Ukraine. Sweden will continue to work on this issue at the NPT Review Conference.

26. Furthermore, steps to increase transparency regarding nuclear weapons capabilities and the implementation of agreements pursuant to article VI serve as a confidence-building measure and should be strongly supported. The principle of transparency should be applicable to all disarmament and arms control efforts, unilateral, bilateral or multilateral. It is also of particular importance that nuclear-weapon States diminish the role of nuclear weapons in their security policies, do not increase the number or types of nuclear weapons deployed, and do not develop new types of nuclear weapons or rationalizations for their use.

27. Step 10: arrangements by all nuclear-weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside military programmes.

28. Sweden urges those nuclear-weapons States that have not yet done so to conclude such arrangements.

29. Step 11: reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control.

30. Sweden takes an active part in the work on disarmament of nuclear, biological and chemical weapons, as well as conventional weapons. We refer here to the relevant treaties and instruments that deal with these types of weapons.

31. Step 12: regular reports, within the framework of the NPT strengthened review process for the Non-Proliferation Treaty by all States Parties on the implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", and recalling the advisory opinion of the International Court of Justice of 8 July 1996.

32. Sweden believes that reports on the implementation of the article and paragraph mentioned above enhances transparency and accountability and builds confidence and therefore should be encouraged. Sweden submitted reports to the first, second and third sessions of the Preparatory Committee for the 2005 NPT Review Conference.

33. Step 13: the further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.

34. Sweden continues to give strong support to the IAEA and a system of strengthened safeguards. The Additional Protocol to comprehensive safeguards agreements represents the new verification standard for NPT safeguards. Sweden therefore continues to urge all States to conclude and bring into force Additional Protocols. Such a Protocol entered into force for Sweden together with other European Union member States and Euratom on 30 April 2004. Sweden is of the view that the Review Conference should take the decision that the Additional Protocol together with a Comprehensive Safeguards Agreement represents the verification standard under article III of the NPT.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

20 May 2005

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Steps taken to promote the achievement of an effectively verifiable Middle East zone free from nuclear weapons as well as other weapons of mass destruction, and the realization of the goals and objectives of the 1995 resolution on the Middle East

Report submitted by Sweden

In the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in the section entitled "Article VII and the security of non-nuclear-weapon States", paragraph 16 on "Regional Issues", subparagraph 7, it is stated that:

"The Conference requests all States parties, particularly the nuclear-weapon States, the States of the Middle East and other interested States, to report through the United Nations Secretariat to the President of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, as well as to the Chairperson of the Preparatory Committee meetings to be held in advance of that Conference, on the steps that they have taken to promote the achievement of such a zone (i.e. a Middle East zone free from nuclear weapons as well as other weapons of mass destruction, *our remark*) and the realisation of the goals and objectives of the 1995 Resolution on the Middle East."

Sweden would hereby like to communicate the following information regarding the realisation of the goals and objectives of the Resolution.

1. Endorses aims and objectives of Middle East peace process and recognises that efforts in this regard, as well as other efforts, contribute to, inter alia, a Middle East zone free of nuclear weapons as well as other weapons of mass destruction.

Sweden supports negotiations for a just, enduring and comprehensive peace settlement in the Middle East, based on Security Council resolutions 242 and 338, and the principles derived from successive agreements between the parties. Sweden is strongly committed to the need for a zone free from weapons of mass destruction in the Middle East. This goal could be promoted in several ways, for example, by making full use of the confidence-building measures that exist within the framework of the EU Mediterranean co-operation (the Barcelona Process) and by establishing mechanisms for transparent and reliable verification in order to destroy the weapons of mass destruction in the region.

2. Calls on the remaining State not party to the Treaty to accede to it, thereby accepting an international legally binding commitment not to acquire nuclear weapons or nuclear explosive devices and to accept IAEA safeguards.

Sweden continues to emphasise the importance of universal accession and adherence to the NPT. We call upon Israel to sign and ratify the NPT and to place all its nuclear facilities under comprehensive IAEA safeguards.

3. Notes the continued existence in the Middle East of unsafeguarded facilities and urges those countries that operate unsafeguarded nuclear facilities to accept full-scope IAEA safeguards.

Sweden remains concerned with the existence of unsafeguarded nuclear facilities in the region. We urge all States in the Middle East that have not yet done so to conclude and bring into force comprehensive safeguards agreements and Additional Protocols with the IAEA.

4. Reaffirms importance of the early realisation of universal adherence to the NPT, and calls upon all States in the Middle East that have not yet done so, without exception, to accede to the NPT as soon as possible and to place their nuclear facilities under full-scope IAEA safeguards.

See answer under paragraph 2 and 3.

5. Calls upon all States in the Middle East to take practical steps in appropriate fora to make progress towards, inter alia, the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems, and to refrain from measures that preclude the achievement of this objective.

Sweden is strongly committed to the establishment of zones free of weapons of mass destruction, including nuclear weapons. Sweden supported resolution 59/63 entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East, which was adopted without a vote by the 59th United Nations General Assembly.

Sweden welcomes Libya's decision to end its nuclear weapons programme, and is of the view that Libya's decision could contribute to a process towards the establishment of a zone free from weapons of mass destruction in the Middle East. Sweden notes, however, that Libya has been in breach of its obligations under its safeguards agreement with the IAEA.

The signature of the Additional Protocol by Iran and its voluntary suspension of all enrichment- and reprocessing-related activities is a welcome step. However, a number of questions surrounding Irans's nuclear programme remain outstanding. Iran must continue to co-operate fully with the IAEA in order to resolve them. Sweden supports the efforts, through on-going negotiations, to achieve a long-term arrangement, which provides objective guarantees that Iran's nuclear programme is exclusively peaceful.

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6. Call upon all States parties to the NPT, and in particular the nuclear-weapons States, to extend co-operation and support efforts towards the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems.

Sweden continues to support the establishment of regional nuclear weapon free zones.

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2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament"

Report submitted by Italy

1. Italy considers the NPT as the cornerstone of the global non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament in accordance with article VI. Italy is thus fully committed to the preservation of the integrity of the NPT, the strengthening of its implementation and to its universalization.

2. Italy acknowledges the importance of the improved and strengthened Review Process, supports the Final Document of the 2000 NPT Review Conference as well as the Decisions and Resolution adopted at the 1995 NPT Review and Extension Conference and recognizes that developments of serious concern have occurred in the field of nuclear proliferation and terrorism since the 2000 NPT Review Conference.

3. Italy remains deeply convinced that a multilateralist approach to security, including disarmament and non-proliferation, is the best way to maintain international order, peace and stability.

4. Since compliance with existing multilateral norms and rules is essential for their credibility and effectiveness, the possibility of concretely verifying compliance and detecting violations is of paramount importance. In this context, the importance of verification mechanisms and systems has to be acknowledged: best use has to be made of existing verification mechanisms and systems, and their improvement has to be sought; furthermore, the establishment of additional international verification instruments has to be pursued as feasible. Italy considers the IAEA Additional Protocols to be an integral part of the IAEA Safeguards System. Thus, consistently with the EU position, Italy considers that the IAEA Comprehensive Safeguards Agreements, together with the Additional Protocols, constitute the verification standard and calls for universal adherence to them. Italy has ratified the IAEA Additional Protocol, which entered into force on 30 April 2004.

5. Italy is a member of all the export control regimes for nuclear and nuclear-related items and technology, such as the Nuclear Suppliers Group (NSG) and the Zangger Committee (ZC) and considers that they play an important role in pursuance of the NPT non-proliferation goals by introducing guidelines to ensure that exports of nuclear materials, equipment and technologies and related dual-use items are subject to appropriate surveillance and control.

6. Italy welcomes the adoption of United Nations Security Council resolution 1540 and supports the work of the Committee of the Security Council established pursuant to resolution 1540 in promoting global implementation of this resolution.

7. Furthermore, Italy actively participates in the "Proliferation Security Initiative" (PSI) since its launching in May 2003. PSI is aimed at helping prevention and interdiction of illegal procurement and trafficking activities in WMDs and related materials and technology.

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8. Italy shares the objectives enshrined in article VI of the NPT and encourages negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control. Disarmament is indeed one of the pillars of the NPT. We will continue, together with our EU partners, to look forward to further systematic and progressive efforts towards nuclear disarmament.

9. Italy appreciates and encourages efforts deployed by the two major nuclear-weapons States to reduce their respective strategic arsenals since the end of the cold war. In this context, Italy welcomes the ratification of the 2002 Moscow Treaty between the United States and the Russian Federation. It is an important step in the context of international security and a contribution to the efforts of the international community in the field of disarmament and non-proliferation.

10. Italy can assure its commitment to an early entry into force of the CTBT. Italy is one of the original signatories of the Treaty and through its ratification is committed to the fully operational functioning of the Provisional Technical Secretariat. Through the European Union, Italy is actively involved in promoting the entry into force of the Treaty, and the confirmation of the existing moratoriums. One of the Monitoring Stations of the International Monitoring System is located in Italy, as well as one of the Radionuclide Laboratories.

11. Italy believes that a consensus needs to be actively sought within the Conference on Disarmament on a programme of work. As a matter of priority it would certainly have a positive effect on the NPT Review Process, particularly through the negotiation of a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices (FMCT). The objective of an early commencement and prompt conclusion of such a negotiation remains a fundamental objective for Italy. For this reason Italy has spared no effort to encourage in the Conference on Disarmament an agreement on a balanced programme of work which would allow such negotiation to start as soon as possible. Negotiations should address the issue of verification. Italy calls on all States to declare and uphold a moratorium on the production of fissile material for nuclear

weapons or other nuclear explosive devices, and welcomes the action of those of the five nuclear-weapon States which have decreed the relevant moratorium.

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12. Within the United Nations framework, at the fifty-ninth session of the United Nations General Assembly, Italy sponsored or co-sponsored the following resolutions dealing with nuclear non-proliferation and disarmament:

- 59/60 Verification in all its aspects, including the role of the United Nations in the field of verification
- 59/76 A path to the total elimination of nuclear weapons
- 59/80 Measures to prevent terrorists from acquiring WMD
- 59/81 The Conference on Disarmament decision (CD/1547) of 11 August 1998 to establish, under item 1 of its agenda entitled "Cessation of the nuclear arms race and nuclear disarmament", an ad hoc committee to negotiate, on the basis of the report of the Special Coordinator (CD/1299) and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices
- 59/108 Strengthening of security and cooperation in the Mediterranean region.

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13. Italy recognizes the importance, from the point of view of nuclear disarmament, of the programmes aiming at the destruction and elimination of nuclear weapons and the safe disposition of fissile materials within the framework of the Cooperative Threat Reduction programmes, such as the G-8 Global Partnership initiative. These programmes, in which Italy actively participates, are aimed at promoting WMDs destruction as well as the control and security of sensitive materials, related facilities and expertise and are additional tools to deal with disarmament and non-proliferation issues as well as to strengthen the fight against terrorists seeking to acquire WMDs.

14. As a matter of fact, the significant reductions of nuclear weapons through multilateral, bilateral and unilateral nuclear disarmament and arms limitation treaties and processes in the past decades have brought to the attention of the international community that disarmament engagements are meaningless unless the weapons involved are either physically destroyed or appropriately disposed of.

15. At a time in which nuclear proliferation is a growing threat to international peace and security and the risk that terrorists may seek to possess either fissile material or even nuclear weapons, the Cooperative Threat Reduction should be considered as a new, additional way to address the problem of nuclear proliferation and disarmament. Thus, Italy believes that the nuclear component of the Cooperative Threat Reduction initiative is relevant to the NPT process and strengthens the Treaty both under article VI and under article I. The deactivation of thousands of deployed nuclear warheads under this programme is an effective measure relating to cessation of the nuclear arms race and to nuclear disarmament not only under the NPT but also under the Principles and Objectives of 1995 and the 13 practical steps of the 2000 NPT Review Conference.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament"

Report submitted by Ireland

1. States parties agreed in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons that there should be regular reports, within the framework of the NPT strengthened review process, by all States parties on the implementation of Article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament".

2. Ireland hereby submits its report to the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

3. Ireland participated actively in the third session of the Preparatory Committee, as Presidency of the European Union and as a member of the New Agenda Coalition.

4. In 2004, Ireland, together with NAC partners, co-sponsored General Assembly resolution 59/75 (Accelerating the implementation of nuclear disarmament commitments).

Implementation of the 13 practical steps for the systematic and progressive efforts to implement article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-proliferation and Disarmament" included in the Final Document adopted by consensus at the 2000 Review Conference:

Step 1

The importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Test Ban Treaty.

5. Ireland ratified the CTBT in July 1999 and has advocated the urgent need for its entry into force without delay and without conditions. Ireland has worked in support of this within the European Union

and the New Agenda Coalition. Ireland continues to see the CTBT as one of the fundamental building steps on the road to nuclear disarmament.

6. Ireland was a co-signatory of the Joint Ministerial Statement of Support for the CTBT, at the United Nations General Assembly in September 2004, in which, the co-signatories, inter alia, called upon all States to continue a moratorium on nuclear weapon test explosions or any other nuclear explosions and that voluntary adherence to such a moratorium is of the highest importance, but does not have the same permanent and legally binding effect as the entry Into force of the Treaty. We also reaffirmed our commitment to the Treaty's basic obligations and call on all States to refrain from acts which would defeat the object and purpose of the Treaty pending its entry into force.

Step 2

A moratorium on nuclear weapon test explosions or any other nuclear explosion pending entry into force of that Treaty.

7. Ireland, along with our EU partners, has urged all States to abide by a moratorium and to refrain from any actions that are contrary to the obligations and provisions of the CTBT. The New Agenda Coalition resolution 59/75 called for the early entry into force of the CTBT.

Step 3

The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives. The Conference on Disarmament is urged to agree on a programme of work, which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.

8. Ireland has been a member of the Conference of Disarmament since 1999 and has actively supported efforts to break the deadlock on the work programme. Ireland supports the efforts of the Five Ambassadors to build upon the initial Amorim proposal and the most recent efforts to resolve the deadlock. We maintain the view that the Conference should begin negotiations on a Treaty dealing with fissile material.

9. In his address to the NPT Review Conference on 2 May 2005, Ireland's Minister for Foreign Affairs, Mr. Dermot Ahern, expressed his disappointment that the Conference on Disarmament has not been able to fulfil the mandate given at the last Review Conference to agree on a programme of work, which would include negotiation on such a treaty.

Step 4

The necessity of establishing in the Conference on Disarmament an appropriate subsidiary body with a mandate to deal with nuclear disarmament. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate establishment of such a body.

10. Ireland continues to favour the early establishment of a subsidiary body to deal specifically with the issue of nuclear disarmament. We also see merit in embarking on a process, which will eventually lead to an agreement on the non-weaponisation of outer space.

Step 5

The principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures.

11. The principle of irreversibility is a fundamental one that must be applied to all disarmament and arms control measures (regardless of whether they are unilateral, bilateral or multilateral). Ireland considers the application of this principle is the only guarantee against the possibility of redeployment.

Step 6

An unequivocal undertaking by the nuclear-weapon states to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States parties are committed under article VI.

12. Ireland as a member of the New Agenda Coalition continues to press for verifiable progress under this step. The fulfillment, by the nuclear weapon states, of this unequivocal undertaking is a basic necessity for the achievement of a nuclear weapon-free world.

13. As Ireland's Minister for Foreign Affairs, Mr. Dermot Ahern, noted in his statement to the NPT Review Conference on 2 May, the legally binding obligations to refrain from the development of nuclear weapons, which the vast majority of States Parties to this Treaty have honoured, were undertaken in the context of equally legally binding obligations by the Nuclear Weapons States to eliminate their nuclear weapons. He added that that is the underlying bargain in the Treaty and that it is doubtful whether the NPT could ever have been achieved without such agreement.

Step 7

The early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the ABM Treaty as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.

14. Developments since 2000 (the United States abrogation of the ABM and the demise of START III) have not removed the need for a basis for further reductions of strategic offensive weapons. Ireland welcomes the conclusion of the Moscow Treaty between the United States and the Russian Federation in 2002 as an important step in the right direction. We would, however, emphasise the importance of the principles of irreversibility and transparency to all arms control measures.

Step 8

The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.

15. Ireland continues to support this initiative and would welcome regular updates on progress from the parties involved.

Step 9

Steps by all the nuclear-weapon states leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all:

- ***Further efforts by the nuclear-weapon states to reduce their nuclear arsenals unilaterally.***
- ***Increased transparency by the nuclear-weapon states with regard to their nuclear weapons capabilities and the implementation of agreements pursuant to article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament.***
- ***The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process.***
- ***Concrete agreed measures to further reduce the operational status of nuclear weapons systems.***
- ***A diminishing role for nuclear weapons in security policies to minimise the risk that these weapons ever be used and to facilitate the process of their total elimination.***
- ***The engagement as soon as appropriate of all the nuclear-weapon states in the process leading to the total elimination of their nuclear weapons.***

16. As a Non-Nuclear weapon State, Ireland can only press for progress on the implementation of these steps. We note in particular the importance of the principle of transparency contained in this step. Together with the principles of irreversibility and verification, transparency should apply to all disarmament and arms control efforts.

17. Work has been ongoing in particular in the area of reductions of non-strategic nuclear weapons. Ireland continues to support this initiative and reiterates the call made by the New Agenda Coalition in resolution 58/50 (Reduction of non-strategic nuclear weapons) at the session of the General Assembly in 2003.

18. As Ireland's Minister for Foreign Affairs, Mr Dermot Ahern, has commented some 15 years after the end of the cold war, we are concerned when it appears that nuclear weapons are still reaffirmed as central to strategic concepts for the foreseeable future. That concern is all the more heightened in light of reports of plans to develop new nuclear weapons or modify such weapons for new uses. Ireland believes that such plans do nothing to inspire confidence.

Step 10

Arrangements by all nuclear-weapon states to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside of military programmes.

19. Ireland calls on nuclear weapon States, which have not yet done so, to make such arrangements.

Step 11

Reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control.

20. Ireland works actively in a number of disarmament fora and is a State Party to, inter alia, the Treaty on the Non-Proliferation of Nuclear Weapons, the Chemical Weapons Convention, the Biological and Toxin Weapons Convention, the Comprehensive Nuclear-Test-Ban Treaty, the Convention on Conventional Weapons, and Ottawa Convention. Ireland is also active in working within the European Union to strengthen the Union's policy on weapons of mass destruction.

21. Ireland also participates in a number of export control fora, namely the Australia Group, The Missile Technology Control Regime, Nuclear Suppliers Group, Wassenaar Arrangement and Zangger Committee. Ireland sees effective export control as complementary to multilateral disarmament, non-proliferation and arms control efforts.

22. It is crucially important that all members of the international community work together to root out the black market in nuclear materials and technology. All countries must spare no effort in tackling illicit trafficking and procurement networks, and in addressing the issue of non-State actor involvement in the proliferation of weapons of mass destruction technology. States should also ensure the fullest possible disclosure of all relevant information at their disposal to the International Atomic Energy Agency in order to assist its ongoing investigations.

Step 12

Regular reports, within the framework of the Treaty on the Non-Proliferation of Nuclear Weapons strengthened review process, by all States parties on the implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", and recalling the Advisory Opinion of the International Court of Justice of 8 July 1996.

23. Ireland considers regular reporting to be a key element of the 13 steps and presented a report to the third Preparatory Committee in 2004. Ireland views reporting not as an end in itself but as an important tool in strengthening the NPT process, through greater transparency.

Step 13

The further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.

24. Ireland believes that the vital role played by the IAEA safeguards system in the global non-proliferation regime must be acknowledged and reinforced during the 2005 NPT Review Conference. The 2000 Review Conference specifically endorsed the measures of the Model Additional Protocol approved by the International Atomic Energy Agency.

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25. Ireland supports the IAEA in its verification tasks and strongly favours a system of strengthened IAEA Safeguards. Ireland together with all other EU Member States has completed its ratification procedures with respect to an Additional Protocol with the IAEA in April 2004. We believe that the Additional Protocol should be considered an essential part of an effective safeguards regime and that the Additional Protocol, together with the IAEA Safeguards Agreement, should be considered the verification standard for all NPT States Parties. We would urge all States, regardless of the size or nature of their nuclear programme, which have not yet signed and ratified an Additional Protocol to do so.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

26 May 2005

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Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons

Report submitted by Finland

1. Finland is strongly committed to the non-proliferation of nuclear weapons, to the pursuit of global nuclear disarmament and to general and complete disarmament under effective international control. Finland regards the Treaty and associated regime on the Non-Proliferation of Nuclear Weapons as the key element to prevent the spread of nuclear weapons.

2. Finland considers the **Comprehensive Nuclear-Test-Ban Treaty** (CTBT) essential to contain the proliferation of nuclear arms in all its aspects. Finland signed the Treaty on the first day it was opened for signature and completed the ratification process in 1999. A Primary Seismological Station and a radionuclide laboratory are located in the Finnish territory as part of the International Monitoring System.

3. Finland is fully committed to the obligations of the CTBT and makes every effort to promote its entry into force at the earliest possible date. Finland served as President of the Conference on Facilitating the Entry into Force of the CTBT that was convened by the Secretary-General of the United Nations on 3-5 September 2003 in Vienna. After the Conference, Finland was appointed coordinator to promote cooperation, through informal consultations with all interested countries, aimed at promoting further signatures and ratifications of the Treaty.

4. Finland also attaches great importance to assisting countries in their endeavours to build capacity that is needed to implement the obligations under the CTBT. For this purpose, we actively support the Provisional Secretariat in its training activities. Inter alia, representatives of signatory states have been trained in Finland to work as National Data Center operators.

5. Finland is a member of the **Conference on Disarmament** (CD) since 1996. Finland held the Presidency of the Conference in 2002 (March-May) and tried in that capacity to initiate the work of the CD by proposing (CD/1670) the establishment of an Ad Hoc Committee, Working Groups and the schedule of activities. Finland calls for the immediate commencement of negotiations on a Fissile Material Cut-off Treaty (FMCT), without preconditions.

6. The international **safeguards system of the International Atomic Energy Agency** (IAEA) is a fundamental pillar of the nuclear non-proliferation regime. Finland considers that the Comprehensive

Safeguards Agreement, together with the Additional Protocol, represents the verification standard pursuant to Article III.1 of the Treaty. Finland calls upon all states that have not yet done so, to sign and ratify the Additional Protocol without delay.

7. Finland has concluded a Comprehensive Safeguards Agreement with the IAEA and has signed and ratified the Additional Protocol. The Additional Protocol entered into force for Finland on 30 April 2004 when the IAEA received written notification from the EU States and EURATOM that their respective requirements for entry into force had been met.

8. Finland is developing its national safeguards system further so as to enable effective implementation of IAEA strengthened safeguards in Finland. In addition, Finland continues to support the IAEA research and development programme for nuclear verification and materials security.

9. Finland continues to contribute to the strengthening of the non-proliferation regime by conducting well-established **safeguards support programmes** as part of Finland's bilateral assistance to third countries. The objective of the safeguards co-operation is to assist these countries in developing and maintaining national systems for accounting and control of nuclear materials and other radioactive materials, and for export controls and border controls. These support programmes are coordinated with the IAEA programmes for safeguards and security of material.

10. Finland is a member of all relevant **export control regimes**, such as the Nuclear Suppliers Group and the Zangger Committee, and supports strengthening of their guidelines and understandings respectively. Finland welcomes and supports UN Security Council Resolution 1540 (2004) and has submitted its national report under that resolution by the requested time.

11. Finland will do her utmost to achieve a substantial outcome in the **2005 Review Conference**. As a contribution to the preparations for the 2005 Review Conference, Finland organised a seminar with the WMD Commission (Blix Commission) in Helsinki on 7 April 2005, and another seminar in New York on 9 May 2005.

12. Finland **reaffirms her commitment to the Treaty on the Non-Proliferation of Nuclear Weapons** in all its aspects and the ultimate goal of eliminating all nuclear weapons. The universalisation of the Treaty and full compliance with the Treaty's provisions are of utmost importance.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

27 May 2005

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Schedule of division of costs

In accordance with the cost-sharing formula adopted by the Conference contained in the appendix to the draft rules of procedure (see NPT/CONF.2005/1, annex III), the following is the schedule for the division of costs based on the actual participation of States parties in the Conference:

State party	*Percentage share of estimated total costs*
Afghanistan	0.001
Albania	0.004
Algeria	0.055
Andorra	0.004
Angola	0.001
Argentina	0.698
Armenia	0.001
Australia	1.162
Austria	0.627
Azerbaijan	0.004
Bahamas	0.009
Bahrain	0.022
Bangladesh	0.007
Barbados	0.007
Belarus	0.013
Belgium	0.781
Benin	0.001
Bhutan	0.001
Bolivia	0.006
Bosnia and Herzegovina	0.002
Botswana	0.009
Brazil	1.112
Bulgaria	0.012

State party	*Percentage share of estimated total costs*
Burkina Faso	0.001
Cambodia	0.001
Cameroon	0.006
Canada	2.054
Central African Republic	0.001
Chile	0.163
China	0.910
Colombia	0.113
Comoros	0.001
Congo	0.001
Costa Rica	0.022
Croatia	0.027
Cuba	0.031
Cyprus	0.028
Czech Republic	0.134
Denmark	0.524
Dominican Republic	0.025
Ecuador	0.014
Egypt	0.088
El Salvador	0.016
Eritrea	0.001
Estonia	0.009
Finland	0.389
France	7.140
Gabon	0.006
Georgia	0.002
Germany	6.325
Ghana	0.003
Greece	0.387
Guatemala	0.022
Guinea	0.002
Guyana	0.001
Holy See	0.001
Hungary	0.092
Iceland	0.025
Indonesia	0.104
Iran (Islamic Republic of)	0.115
Iraq	0.012
Ireland	0.255
Italy	3.567

State party	*Percentage share of estimated total costs*
Jamaica	0.006
Japan	14.215
Jordan	0.008
Kazakhstan	0.018
Kenya	0.006
Kuwait	0.118
Kyrgyzstan	0.001
Lao People's Democratic Republic	0.001
Latvia	0.011
Lebanon	0.018
Lesotho	0.001
Liberia	0.001
Libyan Arab Jamahiriya	0.096
Liechtenstein	0.004
Lithuania	0.018
Luxembourg	0.056
Malaysia	0.148
Maldives	0.001
Malta	0.010
Marshall Islands	0.001
Mauritania	0.001
Mauritius	0.008
Mexico	1.375
Monaco	0.002
Mongolia	0.001
Morocco	0.034
Mozambique	0.001
Myanmar	0.007
Namibia	0.004
Nauru	0.001
Nepal	0.003
Netherlands	1.234
New Zealand	0.161
Nicaragua	0.001
Niger	0.001
Nigeria	0.031
Norway	0.496
Oman	0.051
Palau	0.001
Panama	0.014

State party	*Percentage share of estimated total costs*
Paraguay	0.009
Peru	0.067
Philippines	0.069
Poland	0.337
Portugal	0.343
Qatar	0.047
Republic of Korea	1.311
Republic of Moldova	0.001
Romania	0.044
Russian Federation	8.000
Saint Lucia	0.001
Samoa	0.001
San Marino	0.002
Saudi Arabia	0.521
Senegal	0.004
Serbia and Montenegro	0.014
Sierra Leone	0.001
Singapore	0.283
Slovakia	0.037
Slovenia	0.060
South Africa	0.213
Spain	1.840
Sri Lanka	0.012
Suriname	0.001
Sweden	0.729
Switzerland	0.874
Syrian Arab Republic	0.028
Tajikistan	0.001
Thailand	0.153
The former Yugoslav Republic of Macedonia	0.004
Timor-Leste	0.001
Togo	0.001
Tonga	0.001
Trinidad and Tobago	0.016
Tunisia	0.023
Turkey	0.272
Turkmenistan	0.004
Uganda	0.004
Ukraine	0.028
United Arab Emirates	0.172

State party	*Percentage share of estimated total costs*
United Kingdom of Great Britain and Northern Ireland	6.130
United Republic of Tanzania	0.004
United States of America	32.820
Uruguay	0.035
Uzbekistan	0.010
Venezuela (Bolivarian Republic of)	0.125
Viet Nam	0.015
Yemen	0.004
Zambia	0.001
Zimbabwe	0.005

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

26 May 2005

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New York, 2-27 May 2005

Implementation of article VI of the NPT and paragraph 4 (c) of the 1995 decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament"

Report submitted by Malaysia

1. Malaysia reiterates its commitment to pursue its long term goal towards the total elimination of all nuclear weapons and underscore the importance of the multilateral approach towards disarmament.

2. Malaysia signed the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in 1968 and ratified it in 1970 and remains committed to its obligations under the Treaty.

3. Malaysia signed the Comprehensive Test Ban Treaty (CTBT) on 23 July 1998. Malaysia would continue to urge the remaining 12 of the 44 countries stipulated in Annex 2 of the Treaty to take the necessary steps to sign/accede/ratify the Treaty. Malaysia is opposed to nuclear tests undertaken by any country. Pending the entry into force of the Treaty, the moratorium on all nuclear tests should continue.

4. Malaysia wishes to reaffirm the inalienable right of the States parties to NPT to engage in research, production and the use of nuclear energy for peaceful purposes as enshrined under Article IV of the NPT. Malaysia's nuclear research reactor is operated for peaceful purposes in accordance with the obligations stipulated in Article III, IV and V of the NPT. The Comprehensive Safeguards Agreement signed between Malaysia and the International Atomic Energy Agency (IAEA) entered into force in 1972. The reactor is also subjected to the IAEA's safeguards under the Agreement between the IAEA and the Governments of Malaysia and the United States of America concerning the Transfer of a Research Reactor and Enriched Uranium or better known as the Project and Supply Agreement, which was concluded in 1980.

5. Malaysia strongly believes that the search for genuine measures for disarmament, remains a high priority on the international agenda. In this regard, Malaysia had for the ninth consecutive year introduced a resolution on the International Court of Justice (ICJ) Advisory Opinion on the legality of the use and threat of nuclear weapons at the 59th Session of the General Assembly, which received overwhelming support from the majority of member States. Resolution

59/83 among others, continues to underscore the unanimous conclusion of the Court that "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control".

6. It has always been Malaysia's view that nuclear disarmament should be a matter of highest priority to be dealt with in the Conference on Disarmament. The establishment of an Ad Hoc Committee on Nuclear Disarmament is imperative for the Conference to fulfil its mandate. Malaysia is deeply concerned at the failure of the Conference to agree on a programme of work. Malaysia had continuously exerted maximum efforts in trying to reach consensus on a programme of work. Malaysia and majority of the members of the Conference had voiced their support for the "Five Ambassadors'" proposal (CD/1693) as a good basis to achieve agreement on a programme of work.

7. Malaysia supports the commencement in the Conference on Disarmament of a negotiation on a non-discriminatory, multilateral, internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapon or other nuclear explosive devices. In negotiating the Treaty, Malaysia is of the view that a prohibition on future production of the fissile material should go hand in hand with provisions regarding the control and disposal of existing stockpiles.

8. Malaysia hosted a Regional workshop on Comprehensive Test Ban Treaty Organisation (CTBTO) international cooperation for states from Southeast Asia in Kuala Lumpur from 9-11 December 2003. The seminar was jointly organized with the CTBTO.

9. At the regional level, Malaysia continues to work actively with the Association of Southeast Asian Nations (ASEAN) to strengthen the Southeast Asia Nuclear Weapon Free Zone (SEANWFZ). Malaysia believes that SEANWFZ would create conditions conducive to peace and stability and promotes regional confidence building in the region. In this regard, Malaysia is working closely with the other ASEAN countries to encourage the nuclear weapon States to become parties to the Protocol of the SEANWFZ Treaty at an early date.

10. Malaysia continues to underscore the importance of achieving the universalization of NPT. In this context, Malaysia would continue to urge the remaining countries outside the treaty to accede to the treaty promptly.

NPT/CONF.2005/53

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons pursuant to paragraph 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament

Report submitted by Luxembourg

Introduction

1. Luxembourg considers the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) to be the main instrument of the international non-proliferation regime and calls for its full and effective implementation. The NPT is founded on three pillars: non-proliferation, disarmament and peaceful uses. It plays a vital role in the maintenance and promotion of international peace and security.

Article I

2. Nuclear-weapon States have the obligation to deny any transfer of nuclear weapons or other nuclear explosive devices to States or non-State actors that may seek to acquire such weapons or devices. Effective implementation of article I by nuclear-weapon States is therefore essential to prevent further proliferation of nuclear weapons and other nuclear explosive devices.

Article II

3. Luxembourg is committed to the principles of article II and reaffirms its position that non-nuclear-weapon States must not seek to acquire nuclear weapons or other nuclear explosive devices. It also remains committed to its obligations under the Nuclear Suppliers Group and the Zangger Committee and continues to support the amendments to the Convention on the Physical Protection of Nuclear Material.

Article III

4. Luxembourg reaffirms that the international safeguards system of the International Atomic Energy Agency (IAEA) is an essential part of the global nuclear non-proliferation regime. Furthermore, it believes that the Additional

Protocol is an essential and integral part of this system and that its universal adoption and implementation should be strongly promoted. By the Act of 1 August 2001 ratifying the Additional Protocol on the strengthening of the non-proliferation of nuclear weapons designed to detect clandestine nuclear activities, Luxembourg ratified the above Protocol, which it hopes will become a condition for nuclear exports in the framework of the Nuclear Suppliers Group.

5. Luxembourg attaches great importance to reinforcing the implementation and effectiveness of the Treaty.

Article IX

6. Luxembourg deplores the fact that in January 2003 the Democratic People's Republic of Korea announced its intention to withdraw from the NPT and continues to urge that country to return to full compliance with its international non-proliferation obligations under the Treaty.

7. In accordance with the European Union's Common Position on the universalization and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and their means of delivery, adopted in November 2003, Luxembourg will work towards achieving all these objectives.

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Actions by the United States of America in support of non-proliferation in the Middle East

Report submitted by the United States of America

The United States remains committed to the goals described in the 1995 Resolution on the Middle East and submits the following information to the President of the Conference.

U.S. actions to promote the environment necessary to encourage nations to establish an effectively verifiable Middle East zone free of weapons of mass destruction have focused on three priorities:

- Supporting efforts to end violence, promote political negotiations between Israelis and Palestinians, and make progress towards the goal of a peaceful Middle East;
- Ensuring that states comply with NPT obligations; and
- Encouraging states in the region to adhere to international non-proliferation treaties, regimes and other instruments.

1. Supporting Middle East peace

- The U.S. continues to engage intensively with both the Israelis and Palestinians in an effort to make progress towards peace and to realize President Bush's vision of two states, Israel and Palestine, living side by side in peace and security.
- The U.S. is the highest disbursing bilateral donor in the West Bank and Gaza. The U.S. provides significant assistance to the Palestinians to support political, economic, and security reforms including in the areas of private sector development, water resources, democracy and governance, health, community services, and higher education.
- The U.S. is also helping to revitalize the Palestinian economy in the wake of Israel's withdrawal and helping to build necessary foundations for emerging democracy, such as institution building and civil society; and strengthening infrastructure development.

- During the U.S. G-8 presidency, the U.S. led the G-8 in establishing a historic "Partnership for Progress and a Common Future with the Broader Middle East and North Africa" to support efforts to advance freedom, democracy, and prosperity in the region.
- The U.S.-Middle East Partnership Initiative's programs provide a framework and funding to foster economic development, strengthen civil society and rule of law, promote education, and advance women's empowerment.
- The U.S. is committed to making Iraq a successful model for the region, economically and politically. The U.S. has supported Iraq's reconstruction and stabilization, and continues to support politically and economically/financially its development into a modern democratic nation.

2. Ensuring compliance with NPT obligations

- The U.S. supports international efforts to establish an objective guarantee that Iran permanently and verifiably abandons its nuclear weapons ambitions.
- In partnership with the UK, and at the invitation of the Libyan government, the U.S. assisted Libya in remediating its past NPT-related violations and supported Libyan efforts to fully cooperate with IAEA inspections to verify that Libya is now meeting its safeguards obligations. U.S./UK support to Libya included removing from Libya, at Libya's request, equipment and materials it had imported as part of its previously covert programs.
- The U.S. and the UK established a joint initiative to engage Libyan nuclear and other weapons of mass destruction scientists in peaceful pursuits.
- The U.S. similarly supports the redirection of former Iraqi weapons of mass destruction scientists, technicians, and engineers to civilian employment.

3. Strengthening non-proliferation treaties and regimes

- As president of the G-8 in 2004, the U.S. undertook a global diplomatic outreach effort, including in the Middle East, to promote adherence to the IAEA comprehensive safeguards agreements and the Additional Protocol.
- The U.S. facilitated Iraqi establishment of a program to secure radioactive sources that could threaten health and safety or be used in a dirty bomb. This program will help protect Iraq and neighbouring countries from radioactive materials.
- The U.S. is expanding efforts to train and equip export control officials in Middle Eastern governments, including in Oman, Jordan, the United Arab Emirates, and Yemen, in order to improve controls over sensitive materials and equipment. We have initiated export control dialogue with Libyan officials and will conduct joint U.S./UK training sessions that will focus on the drafting of an export control law and improving enforcement capabilities.
- The U.S. promotes technical cooperation in the Middle East for the purpose of supporting non-proliferation and regional security. An example of this support is the Cooperative Monitoring Center in Amman, Jordan.

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2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Message from the Executive Secretary of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, Ambassador Wolfgang Hoffman, to the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

1. The objective of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) is to secure an end to all nuclear-weapons testing and other forms of nuclear explosions. The CTBT, by putting an end to all nuclear explosions, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects, and therefore contributes to the enhancement of international peace and security. The CTBT could also contribute to the protection of the environment. The CTBT, together with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the still-to-be-negotiated fissile material cut-off treaty forum, are complementary issues of international non-proliferation and disarmament. These mutually reinforcing treaties form the legal basis for the realization of the shared objective of ridding the world of nuclear weapons.

2. The terrorist attacks of 11 September 2001 in New York and Washington, D.C., and of March 2004 in Madrid have demonstrated the will of terrorist groups to inflict indiscriminate and massive destruction. The nightmare of nuclear weapons in the hands of such groups defies imagination. To avoid such catastrophes, the international regime of nuclear non-proliferation and disarmament needs to be strengthened and fully complied with.

3. The main activities of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) established on 19 November 1996 and its Provisional Technical Secretariat, which started work at the Vienna International Centre on 17 March 1997, have been the establishment of the verification regime stipulated by the CTBT and the promotion of understanding and entry into force of the Treaty.

4. Since the 2000 Review Conference and during the period of the preparatory process for the 2005 Review Conference, significant progress has been made in establishing the verification regime to verify compliance with the CTBT, as well as in advancing signature and ratification.

5. Since its adoption in 1996, the CTBT has received significant support from the international community. To date, the Treaty has been signed by 175 States and ratified by 121 States, including 33 of the 44 States listed in annex 2 to the CTBT whose ratification is required for entry into force. A remarkable increase of 89 signatures and ratifications has been observed since the 2000 Review Conference.

6. In accordance with a Treaty provision, three Conferences on facilitating the entry into force of the CTBT (Article XIV Conferences) of States that have ratified the Treaty were held in 1999, 2001 and 2003 to "examine measures consistent with international law" that "may be undertaken to accelerate the ratification process in order to facilitate the early entry into force" of the CTBT. In accordance with the "Final Declaration and Measures to Promote the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty" of the 2003 Article XIV Conference, a special representative, Jaap Ramaker of the Netherlands, has been assisting the coordinating State in promoting the entry into force of the CTBT. The special representative has been concentrating his activities on some of the 11 States listed in annex 2 to the CTBT that have yet to sign and/or ratify the CTBT, in coordination with efforts of the Executive Secretary of the Preparatory Commission. The next Article XIV Conference will be convened in New York, from 22 to 24 September 2005, under the presidency of Australia.

7. The 2004 Joint Ministerial Statement on the CTBT, initiated by Australia, Finland, Japan and the Netherlands and adopted on 23 September 2004, is further evidence of the interest of States in bringing about the entry into force of the CTBT and in reinforcing the concrete measures to promote signature and ratification of the Treaty that were agreed by the 2003 Article XIV Conference and are being pursued in the Conference follow-up process.

8. Verification is a key component of nuclear non-proliferation and disarmament. Independent and impartial verification regimes instil confidence in the efficiency of our treaties and provide an objective basis for actions of the international community in cases of non-compliance.

9. The CTBT global verification regime, which needs to be operational at the entry into force of the Treaty, to monitor compliance with the CTBT provisions, consists of four elements:

(a) The International Monitoring System (IMS), and respective means of communication supported by the International Data Centre (IDC), which will be able to detect evidence of possible nuclear explosions;

(b) A consultation and clarification process, which can clarify and resolve matters concerning possible non-compliance with the CTBT;

(c) The conduct of on-site inspection, in order to clarify whether a nuclear-weapon-test explosion or any other nuclear explosion has been carried out in violation of the Treaty, and the gathering of facts, which might assist in identifying potential violators;

(d) Confidence-building measures, which will contribute to resolving compliance concerns arising from possible misinterpretation of verification data and will thereby assist in the calibration of IMS stations.

10. The progressive shift in the establishment of the verification regime from a build-up phase to provisional operation and maintenance of the monitoring system represents a substantial development. The establishment of the 321 seismic, radionuclide, hydroacoustic and infrasound monitoring stations and 16 radionuclide laboratories of the IMS network is steadily and securely progressing. At the end of March 2005, there were 205 stations that were either certified or installed or that substantially met specifications. Of those, 165 send data to the IDC. An additional 72 stations are under construction or under contract negotiation. The testing and evaluation phase of the monitoring system shows that the network can be completed within the next three to four years. In order to provide the legal framework necessary to conduct IMS work, the Commission concluded, as of 31 March 2005, facility agreements/arrangements with 32 States covering 325 stations.

11. The IMS stations are transmitting raw data to the IDC in Vienna through a satellite-based global communication infrastructure (GCI), which also connects the IDC with national data centres of States. From the IDC both data and resulting analysis bulletins are distributed to national data centres. To date, 84 States have established national data centres.

12. On-site inspections (OSIs), as provided for in the Treaty, are final verification measures, which would only be conducted once the CTBT had entered into force. The main task of the Commission in this area is to establish the OSI regime, including the capability to conduct on-site inspections after entry into force. The major elements of the OSI regime are inspectors, equipment and the OSI operational manual.

13. The primary purpose of the CTBT is to globally ensure an end to nuclear-test explosions, thus enhancing national and international security. However, the CTBT verification technologies have the potential to offer important additional benefits derived from the IMS data and the activities of the IDC. The IMS radionuclide network offers opportunities for detecting radionuclide dispersion, monitoring radiation levels and studying natural radioactivity, biological research and environmental change investigations. Seismic, hydroacoustic and infrasound data can be used in studies on the structure of the Earth and for research on earthquakes, atmospheric and meteorological studies, volcanic eruption forecasting, underwater explosion location, sea temperature and climate change monitoring, as well as tsunami warning.

14. Following the devastation caused by the tsunami of 26 December 2004 in the Indian Ocean, the Preparatory Commission held a special session, on 4 March 2005, to consider a possible contribution of the CTBTO Preparatory Commission to a tsunami warning system. Building upon current technical capabilities and options for future adaptations thereof, the special session crafted a balanced approach to the role the Commission should play as part of global efforts to develop tsunami alert systems. The Provisional Technical Secretariat is currently cooperating with the Pacific Tsunami Warning Centre and the Japan Meteorological Agency through the United Nations Educational, Scientific and Cultural Organization to explore and test ways and means to contribute to the establishment of a tsunami alert system in the Indian Ocean.

15. The Preparatory Commission offers training programmes and workshops to support the enhancement of national capabilities of its Member States in the implementation of the CTBT. These include training courses for IMS station

operators, NDC managers and technical staff, on data analysis, storage and management, the global communications infrastructure and OSI technologies. In the field of international cooperation, the Provisional Technical Secretariat continues its role as an information clearing house and provides support for the advancement of the work of the Commission, including information on programmes and national seminars to support IMS and IDC activities. Voluntary contributions from the Czech Republic, Finland, Japan, the Netherlands and Norway have been received to support these activities. During the five-year period 2000-2004, the Preparatory Commission has been able to support as many as 92 training programmes, workshops and seminars in various parts of the world and has sponsored participants from 166 countries.

16. Following the adoption by the General Assembly on 15 June 2000 of the Agreement to regulate the relationship between the United Nations and the Preparatory Commission for the CTBTO, our relations and interactions with the United Nations and its programmes, funds and specialized agencies have intensified. The Preparatory Commission has a relationship and cooperation agreements with the United Nations, the United Nations Development Programme, the World Meteorological Organization, as well as with the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the Association of Caribbean States and the European Centre for Medium-Range Weather Forecasts.

17. The CTBT was assigned a special role in the United Nations Millennium Declaration, in the section on peace, security and disarmament, and was listed, for signature or ratification, on the occasion of the Millennium Summit by the Secretary-General among 25 core multilateral treaties representing the key objectives of the United Nations. The Preparatory Commission supports States in the implementation of the relevant provisions of the Millennium Declaration. The high-level review of the Millennium Summit, scheduled to be held from 14 to 16 September 2005, would provide an opportunity to consider further actions in this respect.

18. The CTBT, although signed and ratified by a significant majority of States and recognized as an important international legal instrument in the field of nuclear disarmament and non-proliferation, has yet to enter into force. The Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, underlined, inter alia, "The importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty".

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

27 May 2005

Original: English

New York, 2-27 May 2005

Message by the Director-General of the Organization for the Prohibition of Chemical Weapons, Ambassador Rogelio Pfirter, to the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

The Treaty on the Non-Proliferation of Nuclear Weapons is a seminal instrument in the field of global, multilateral non-proliferation. While specifically addressing the threats posed by the spread of nuclear arms, it also embodies the overarching aim of its Signatories to achieve nuclear disarmament.

The Treaty's periodic reviews mark milestones along the path of development of the international community's resolve to achieve the Treaty's noble objectives. The significance and relevance of these goals is clearly demonstrated by the Treaty's commendable status of participation, counting namely 189 States among its Signatories.

Since their invention in the previous century, the latent threat posed by nuclear weapons has always represented one of the paramount dangers confronting mankind's survival. The Review Conference of 1995 recognized the consequences and complexity of the issues at hand. Unanimously, the parties agreed to permanently and unconditionally extend the Treaty's duration, establishing the basis for continued, positive collaboration in dealing with the challenges posed by the task of preventing the further spread of nuclear weapons and ultimately achieving nuclear disarmament.

The effective and universal implementation of all disarmament agreements represents a cornerstone of international security and has been recognized as such. In a time when global terrorism has added a new dimension in the array of threats which the international community is addressing, the Treaty also serves to build a credible defense against the terrorist use of weapons of mass destruction. The recent adoption by the UN General Assembly of the International Convention for the Suppression of Acts of Nuclear Terrorism is a further indication of the international community's will to deny any avenue to those attempting to use these weapons to kill and injure en masse.

These activities are also part and parcel of the long-term, international commitment to place all categories of weapons of mass destruction under strict control, eventually leading to their elimination. In this endeavour, the implementing agencies of their respective treaties, the IAEA and the OPCW, share common goals.

The 168 Member States of the OPCW implement the Chemical Weapons Convention by declaring, securing, and destroying, under international on-site verification, any chemical weapons stockpiles. All chemical weapons production capacity must be inactivated and subsequently destroyed or converted for peaceful purposes, subject to stringent verification by the OPCW. Relevant chemical industrial activity on the territory of all States Parties is to be declared and, in compliance with the Convention, is subject to on-site verification.

Finally, all States Parties are obliged to apply transfer restrictions and controls to those chemicals listed under the Convention. States that are party to the Convention renounce forever the development, production, stockpiling, use or transfer of chemical weapons, while pledging to never engage in any military preparations for their use. Moreover, no State Party may assist or induce anyone to breach this Convention.

Disarmament under the CWC sets an example for practical, incremental, and verifiable elimination of an entire category of weapons of mass destruction, wherein States Parties act as partners and where technical and financial support is provided by other States as well as by the OPCW.

The Treaty on the Non-Proliferation of Nuclear Weapons represents the only international instrument to limit the spread of the most destructive weapons ever conceived. At the same time, the Treaty is an instrument for promotion of the peaceful uses of nuclear energy, in particular the exclusively peaceful use of nuclear technology, which, were it to be diverted for illicit purposes would represent a serious threat to the international peace and security.

NPT/CONF.2005/DEC.1

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

18 May 2005

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Allocation of items to the Main Committees of the Conference

(adopted at the 19th plenary meeting on 18 May 2005)

1. **Main Committee I**

Item 16. Review of the operation of the Treaty:

- (a) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security:
  - (i) Articles I and II and preambular paragraphs 1 to 3;
  - (ii) Article VI and preambular paragraphs 8 to 12;
  - (iii) Article VII, with specific reference to the main issues considered in this Committee;
- (b) Security assurances:
  - (i) United Nations Security Council resolutions 255 (1968) and 984 (1995);
  - (ii) Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

Item 17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

2. **Main Committee II**

Item 16. Review of the operation of the Treaty:

- (c) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones:
  - (i) Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7;

(ii) Articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV;

(iii) Article VII;

Item 17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

3. Main Committee III

Item 16. Review of the operation of the Treaty:

(d) Implementation of the provisions of the Treaty relating to the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II:

(i) Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5;

(ii) Article V;

(e) Other provisions of the Treaty.

Item 17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

* * *

Additionally, the issues of disarmament and non-proliferation education, and institutional issues will be dealt with under agenda item 17, respectively, in Main Committee I and in Main Committee II.

NPT/CONF.2005/DEC.2

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

18 May 2005

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New York, 2-27 May 2005

Decision on subsidiary bodies

(adopted at the 19th plenary meeting on 18 May 2005)

The Conference of States parties to the Treaty on the Non-Proliferation of Nuclear Weapons decides to establish for the duration of the 2005 Review Conference a subsidiary body under Main Committee I, Main Committee II and Main Committee III, respectively.

The Conference further decides that:

(a) The subsidiary body established under Main Committee I as subsidiary body 1 will focus on nuclear disarmament and security assurances. The subsidiary body will be chaired by Ambassador Tim Caughley. The subsidiary body will be open-ended. It will hold meetings within the overall time allocated to the Main Committee. The meetings will be held in private;

(b) The subsidiary body established under Main Committee II as subsidiary body 2 will examine "Regional issues, including with respect to the Middle East and implementation of the 1995 Middle East resolution". The subsidiary body will be chaired by Ambassador Antonio Nuñez Garcia-Sauco. The subsidiary body will be open-ended. It will hold meetings within the overall time allocated to the Main Committee. The meetings will be held in private;

(c) The subsidiary body established under Main Committee III as subsidiary body 3 will address agenda item 16 (e), "Other provisions of the Treaty, including article X". The subsidiary body will be chaired by Ambassador Alfredo Labbé. The subsidiary body will be open-ended. It will hold meetings within the overall time allocated to the Main Committee. The meetings will be held in private.

The outcome of the work of the subsidiary bodies will be reflected in the reports of the respective Main Committees to the Conference.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

18 April 2005

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Verification of nuclear disarmament: final report on studies into the verification of nuclear warheads and their components

Working paper submitted by the United Kingdom of Great Britain and Northern Ireland

Summary

The United Kingdom announced at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons that it was initiating a research programme to study techniques and technologies with the potential for application to the verification of any future arrangement for the control, reduction and ultimate elimination of nuclear weapon stockpiles. At the intervening meetings of the Preparatory Committee the United Kingdom has reported its progress on various aspects of the programme culminating in this final report. This paper presents a consolidated account of the major conclusions from the five-year programme together with observations and comments on the issues to be faced when addressing the problem of monitoring the nuclear weapons complex. Further details are provided on studies into the various technologies and procedures that have been examined and an insight presented into how the verification of a generic facility might be approached. This final stage of the five-year programme has served to validate the conclusions drawn in the earlier reports and, it is hoped, laid the groundwork for further development in the future. The United Kingdom will continue to monitor and evaluate technological developments in this field.

I. Introduction

1. At the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons the United Kingdom announced[1] that it would be carrying out a programme of research into technologies that have potential application to multilateral verification of any future arrangement to reduce and ultimately eliminate stockpiles of nuclear weapons. The programme that was outlined included:

(a) Authentication of warheads and components: to establish that an item declared to be a nuclear warhead or a component from a nuclear warhead is consistent with those declarations;

(b) Dismantlement of warheads and their components;

(c) Disposition of the fissile material arising, to ensure that it can no longer be used in nuclear weapons or other explosive nuclear devices; and

(d) Monitoring the nuclear weapons complex.

2. A decision was taken during the course of the programme that the subject of disposition had already been covered adequately by conventional safeguards and, this study would, therefore, focus primarily on the remaining three activities.

3. The United Kingdom undertook to provide a final report on this programme of work to the 2005 Review Conference with periodic updates on progress, as appropriate, at the intervening meetings of the Preparatory Committee.

4. At the 2003 Preparatory Committee meeting a United Kingdom working paper[2] was submitted, focusing mainly on the technical approaches potentially applicable to the authentication of nuclear warheads and their components. During the period of the five-year programme, well-established radiometric non-destructive assay (NDA) measurements have been made on United Kingdom warheads and their fissile components. These have included passive gamma ray spectrometry, passive and active neutron coincidence counting and neutron multiplicity measurements. In addition, thermography[3] has been used to study the heat emission from warheads and components.

5. At the 2004 Preparatory Committee meeting the United Kingdom paper[4] concentrated primarily on issues associated with the dismantlement of nuclear warheads and their components. For this phase, warheads were followed, from their receipt to their breakdown into component parts, with environmental and non-destructive assay data taken at each stage. Measurements were made when the warheads were in various levels of containment and shielding. Observations were made of the planning and operational aspects associated with these exercises. Studies were also made of the interaction of an exercise inspection team with the facilities (and their staff) in which the measurements were made. These observations constitute a valuable knowledge base associated with verification measurements and on-site inspection protocols.

6. This paper represents the culmination of the programme of research announced in 2000, and fulfils the United Kingdom's commitment to report the consolidated findings of that programme of work. In particular, it focuses on the issues associated with monitoring the nuclear weapons complex.

II. The nuclear weapons complex

7. While we recognize the difficulty in defining a nuclear weapons complex and realize that any definition is open to discussion, for the purposes of this paper it is defined to be:

(a) A site where one or more scientific or industrial activity, required to produce/disassemble a nuclear warhead/device is carried out; plus

(b) Any other location where an unsafeguarded activity is carried out (and where the primary function is to serve the production, storage or disassembly of a nuclear warhead/device).

(N.B. this excludes nuclear fuel cycle activities that can be addressed through conventional safeguards arrangements.)

8. Nuclear weapons complexes, even as defined within this paper, will vary across the world; in size, geographical distribution and complexity. This will need to be taken into account for any future potential verification regime. Nevertheless, they will have certain characteristics in common, such as production technology and environmental emissions.

Production technology

9. The technologies employed in the production of a nuclear warhead are fundamentally the same as those found in many industrial environments. Materials are processed in a similar way to other non-nuclear production lines, with the difference that more exacting safety, security and regulatory procedures are required.

Emissions

10. Effluents and emissions are generated to some extent by production processes in a weapons complex and can be solid, liquid, gaseous and particulate in form. In this respect the weapons complex is no different from a more conventional facility, except for the high degree of emission and effluent monitoring and control usually imposed.

11. Each stage in a warhead production process has its particular effluents and signatures. Some emissions are characteristic of a nuclear weapons complex and include those from fissile materials and some particular light elements. Verification evidence can be accumulated from measurements of these materials, supported by measurement of other (potentially warhead-related) emissions.

III. Monitoring the nuclear weapons complex

12. While not all nuclear weapons control agreements concern weapons complexes (for example, the START I Treaty is based on limiting the numbers of deployed strategic nuclear warheads and delivery systems), we address here the main purposes of verifying a nuclear weapons complex in a hypothetical future nuclear weapons agreement. In that respect, the verification goal would be to provide

independent confirmation of, inter alia, the size and disposition of the declared warhead stockpile, the production/dismantlement rate of warheads and precursor components, plus inventories and movements of fissile material.

13. This goal might be assisted by installing verification systems inside facilities (facility monitoring) or by monitoring the interfaces between facilities and the outside world (e.g. power usage, staff movements, emissions from facilities — environmental monitoring) to determine whether they are operational and complying with declared activities.

14. The choice of system would depend upon the degree of intrusiveness,[5] as well as issues such as reliability, accuracy and cost, that could be tolerated. Work within the United Kingdom's five-year programme has centred on exploring techniques of measuring emissions that can be used to identify operating plants and specific process operations. It is recognized that the techniques of greatest value will be those that are flexible, as facilities differ from one State party to another and potentially have multiple uses.

Facility monitoring

15. A number of options exist for monitoring the activities within a facility. These could be intrusive technologies, such as sampling within ductwork, taking smears for subsequent radio-chemical analysis or taking direct radiometric and other measurements from facility effluents. Alternatively, they could be non-intrusive, such as off-site air sampling. Supplementary measures such as the use of radioactivity-detecting portals on access roads and remote monitoring (via external computer or video link with stores in a facility) were discussed in the 2004 Preparatory Committee paper submitted by the United Kingdom.

16. A number of monitoring techniques are already utilized within the United Kingdom nuclear weapons complex, not for verification, but in order to meet United Kingdom legislative requirements. These techniques include:

(a) Air — Monitoring discharge post filtration, using probes inserted into the ventilation systems within the complex;

(b) Water — Effluent is collected in sump tanks, then treated and sampled before final discharge from the complex;

(c) Solid waste — All wastes are sampled and segregated to determine the correct waste stream for disposal or long-term storage.

Environmental monitoring techniques

17. Emissions from the United Kingdom nuclear weapons complex have been studied in the five-year verification research programme. The study examined the existing measurements, taken for regulatory monitoring purposes. It concluded that, whereas the techniques were appropriate for ensuring regulatory compliance, in order for them to meet the more stringent requirements for verification, increased sensitivity would be required as well as an enhanced ability to detect specific isotopes and chemical species.

18. Parts of the United Kingdom nuclear weapons complex use high volume air samplers, which employ a filter to collect and monitor particulate emissions. The particulate is sent for analysis, using alpha, beta and gamma spectroscopy, together with mass spectroscopy techniques. Gas chromatography is used for analysis of other effluents, such as organic compounds. Water and solid samples, as well as samples of flora and fauna, are also chemically processed and analysed.

19. Another area of United Kingdom study has examined potential new techniques to differentiate between emissions from recent nuclear weapons complex operations and legacy material from past operations. This is of interest to verification because of the possibility of false alarms when determining whether operations have occurred that are outside the operative dates within an agreed treaty.

Other potential environmental and remote monitoring techniques

20. A wide range of remote monitoring techniques and technologies exist, outside of normal regulatory oversight, e.g. hyperspectral imaging systems and satellite imagery. These are being evaluated in the United Kingdom verification research programme for their ability to provide evidence of activities in and around facilities contrary to declared operations. Preliminary work is under way, in collaboration with academic institutions, on a number of these potential new verification technologies, some of which are discussed below.

21. High resolution satellite imagery: high-resolution commercial satellite imagery looks for evidence of relevant activities on the ground and is being evaluated in relation to nuclear sites for its value to the verification process. The work is complementary to IAEA Safeguards' use of satellite imagery and will be continued by examining United Kingdom nuclear weapon sites from which interpretive models can be developed for application to other sites. Signatures can then be estimated. However, as has been stated previously, each State party may have a different approach to establishing and maintaining its nuclear weapons complex. It is planned to extend the work to include synthetic aperture radar imagery[6] to enhance these models.

22. Hyperspectral imaging: these systems acquire data over a range of wavelengths in the visible, short- and long-wave infrared (thermal) regions of the electromagnetic spectrum. Theoretical studies have been carried out on the detection of gas plumes emitted from the stacks of an industrial facility. A gas plume that is warmer than the surrounding air will passively emit light characteristic of its chemical constituents. A comparative study on a number of possible hyper-spectral imaging systems configurations for the detection and identification of gases has been carried out in the United Kingdom. Contacts are being developed, within the United Kingdom hyperspectral research community, to define requirements further and to explore technical options for verification applications.

23. Plant stress: this is a measure of the variation in chlorophyll content in living plants, in response to pollutants. Emissions from industrial facilities may induce pre-visual plant stress in the surrounding environment. Hyperspectral imaging has been used as a tool to monitor the plant stress induced in plants that naturally bio-accumulate certain chemical species. The examination of multi-spectral visible/near infrared high-resolution satellite imagery for indications of plant stress in the environment is ongoing. As a verification tool it would be necessary to have the

capability to detect very small changes and, of course, to be able to account for baseline plant stress effects from unrelated natural events.

24. Airborne gamma spectroscopy: work in other countries and at the Scottish Universities Research Reactor Centre has shown that it is possible to detect material and ground contamination from nuclear industrial processing activities using airborne gamma spectroscopy from a low-flying platform. This technique is being examined, within the United Kingdom verification research programme, for its verification utility, by calculating detection and false alarm probabilities for various situations.

25. Resources and consumables: the possibility of monitoring resources using electricity, water and fuel oil consumption is being considered as an aid to verification. It might be possible to provide metering for individual items of manufacturing equipment (e.g. an induction furnace) to detect frequency and duration of use or to monitor the purchasing of certain chemicals common to production and finishing operations, such as chlorinated volatile organic compounds.

IV. Inspections and associated technologies

26. Common sense dictates that monitoring the weapons complex on its own may not give sufficient confidence in achieving the verification goal. In addition to environmental sampling and remote monitoring, the confidence-building value of routine and challenge inspections of facilities is well recognized. The United Kingdom's working paper submitted to the 2004 Preparatory Committee discussed some of the issues, vulnerabilities and practicalities in carrying out such inspections for verification purposes. A number of the supporting verification technologies that might be deployed by inspectors entering facilities as part of a hypothetical future verification regime have been examined for their continuing value and limitations as the state-of-the-art evolves. The balance between the credibility and accuracy of the information yielded and potential proliferation and national security risks is a central issue for evaluation. This applies to such techniques as gamma ray spectroscopy, passive gamma imaging and neutron multiplicity analysis. In particular, the hardware advances in rapid neutron detection arrays and active time-of-flight probing techniques have been a recent focus of attention, as have the various post-data acquisition analysis and modelling methodologies that are under development internationally.

Alternative non-destructive assay techniques

27. A number of other non-destructive assay techniques are being explored within the United Kingdom verification programme as candidate verification tools. These include:

(a) Passive auto radiography: using digitizing phosphor image plates (gamma type and neutron type), in conjunction with a pin-hole collimator, to record images of objects of interest, using their own radioactive emissions. The aim is to validate a simple technique capable of verifying the contents of containerized assemblies without divulging sensitive design information. Preliminary work has been carried out on this technique in the United Kingdom.

(b) Gold foil activation: gold foil is susceptible to activation by neutrons. If placed in close proximity to an object emitting neutrons, or its container, the foil may be activated sufficiently that radio-spectroscopy of resulting activation products in the foil could yield low fidelity information on the nature of the neutron flux. Preliminary work has been done on this in the United Kingdom.

(c) Photo-neutron interrogation: photo-induced neutron emission occurs when the energy of an incoming photon (X-ray or gamma ray) is above a certain threshold and atoms of low atomic weight undergo photonuclear reactions that emit neutrons. These photo-neutrons can be detected and their energy is characteristic of the materials from which they come. Materials such as deuterium or beryllium used in some nuclear warheads in association with fissile material may be detectable by using the photo-neutron technique. Early experiments have been carried out in the United Kingdom.

Spoofing and intrusiveness

28. Using a verification system employing a combination of non-destructive assay sensors measuring many warhead attributes or templates,[7] it has proved possible to discriminate between different types of warhead or component. Under a future verification regime it would be necessary to be able to guard against the possibility of spoofing by substituting an object designed to pass the authentication tests. However, since the signature of a spoof cannot be determined in advance, a warhead authentication and dismantlement system would need to have as high a detection probability as possible (while minimizing the occurrence of false alarms) in order to detect spoofing. This leads to the requirement to combine sensors into effective verification systems.

29. Analytical work has been carried out in order to calculate the detection probabilities of various gamma and neutron sensors and to learn how to combine them into distributed networks. Using this approach, the relative advantages and disadvantages of non-destructive assay sensors and sensor systems in a particular role can be assessed. A comparison between different types to enable the best choice or combination of sensors can be made. This approach also reveals information about intrusiveness of the verification system and hence the proliferation and national security implications.

Information barriers

30. Measurements made on items containing weapons components may contain defence or proliferation-sensitive information. A nation hosting inspections will require assurance that no such sensitive information will be revealed to the inspecting party and that only agreed characteristics will be disclosed. This may be achievable by using an information barrier (as discussed in the Trilateral Initiative between Russia, USA and IAEA). This may comprise hardware or software that is designed to protect the sensitive information, while providing access to a meaningful subset for verification purposes. In its simplest form this subset might entail a "yes" or "no" response to a given template match.

31. Reverse engineering of the data obtained from non-destructive assay measurements in the United Kingdom has been carried out in order to learn how sensitive these data are from national security and proliferation viewpoints. The work clearly demonstrates that in any future verification regime there would be a need to employ some of these non-destructive assay techniques behind information barriers with classified inputs and unclassified outputs.

Documentation systems as potential verification tools

32. The possibility of utilizing computer-based systems to support verification activities was discussed in the United Kingdom's paper submitted to the 2004 Preparatory Committee. Commercially available, fully integrated computer accountancy systems have been developed. Though not specifically designed for treaty verification use, these computer-based systems could be readily adaptable to such purposes, as they combine the use of third-party access controls, encryption key distribution, time coding, electronic signatures and uniquely watermarked printouts to produce a complete and fully transparent and auditable chain of custody

Closed-circuit television

33. Closed-circuit television is already widely used across industry for security and safety monitoring. A number of commercial systems are being developed to produce intelligent closed-circuit television systems to meet industrial needs and standards such as the MPEG-7 standard, which tags electronic data with descriptive metadata, producing searchable databases of images. These include:

(a) Object recognition: to be able to recognize and track an object within a field of view;

(b) Zero motion: highlights and flags objects that have remained stationary on a moving scene; and

(c) Abnormal behaviour detections: once a system has been taught what should be expected within a field of view, anything abnormal will be flagged.

Such image-handling techniques could be integrated within existing, unattended monitoring systems already in use with the IAEA that automatically verify that they have not been tampered with by sending encoded signals back and forth to the IAEA control centre. No specific work on this has yet been carried out under the United Kingdom verification research programme.

V. Verification of a generic facility

34. Successful verification is considered to require the provision of an acceptable level of confidence to an inspecting State party that Treaty declarations are being adhered to. For a viable verification regime, suitable and sufficient verification evidence needs to be available. The United Kingdom is currently examining this in the context of its own nuclear weapons complex.

35. If each facility and operation of a nuclear weapons complex were examined individually, it would be possible to identify commonalities between facilities and

the types of work being undertaken. These common components can be divided into two categories, as follows:

(a) Facility infrastructure — Common features required to establish, maintain and manage a facility that might be important in a nuclear arms control verification regime could include:

- (i) Location of the facility buildings and services;
- (ii) Building use;
- (iii) Number of staff and responsibilities;
- (iv) Physical security arrangements;
- (v) Material movements (in and out of facility); and
- (vi) Waste production and disposal.

(b) Operations within a facility — Common features relevant to a nuclear arms control verification regime could include:

- (i) Fissile material receipt and internal movements;
- (ii) Fissile material storage;
- (iii) Heating/forming;
- (iv) Machining;
- (v) Post manufacture;
- (vi) Product storage and internal movements;
- (vii) Product dispatch; and
- (viii) Waste processing.

36. Considering the first of these lists, it is possible to identify potential techniques for verifying these facility-based features. A list of such techniques is shown in table 1.

37. For the second category (operations-based features) — an analogous set of verification techniques can be identified. These are shown in table 2.

38. The identified techniques could be considered when setting up a verification process. As each State party could have differing opinions on what information is sensitive and the intrusiveness of a given technique, it may be possible at this stage to substitute alternative techniques, while still providing suitable verification with minimal loss of effectiveness.

39. So that the impact of each verification technique can be characterized in terms of its contribution to an arms control verification scheme, we have defined two types of verification function, which any of these techniques may fulfil. These are **Identifier** (used to identify the item or process) and **Corroborator** (providing supporting evidence). Table 3 defines these functions more fully and provides examples of how each might be applied.

40. If we consider the list of possible verification techniques in a given facility (tags, seals, closed-circuit television etc.) we will see that each one has the effect of being an Identifier or a Corroborator. Furthermore, a technique which is an

Identifier in one case can act as a Corroborator in another. However, these functions will change, depending upon the situation being evaluated.

41. To illustrate this changing function, we can describe the role of three specific verification techniques (tags, seals, portal monitoring) applied to two different situations.

42. In the first situation, an approved fissile materials container without external marking, but with a seal, is declared to be loaded with neutron-emitting fissile material, and this is moved from a store, through a neutron-detecting portal, which registers a positive. Here:

(a) No tag is present;

(b) The seal is a Corroborator that the detected materials are likely to be as declared; and

(c) The portal monitor is an Identifier that the container contains fissile materials.

43. In the second situation, an approved fissile materials container without external marking, with a seal, and a tag identifying the unit type contents, is declared to be loaded with a neutron-emitting fissile component, and this is moved through the same portal detector, which registers a positive. Here:

(a) The tag is an Identifier of the component in the container;

(b) The seal is a Corroborator that the contents have not been switched; and

(c) The portal monitor is a Corroborator that something containing fissile material is in the container.

44. In these sorts of examples an increase in the number of Identifiers and Corroborators can be postulated to increase the value (in confidence-building terms) of the overall evidence being presented, with Identifiers perhaps being the strongest contributors to this. However, the potential drawback with Identifier evidence is that access to some of it may be regarded by its owner as too intrusive, in terms of national security or proliferation risk.

45. Another more detailed example of the application of the approach discussed above might be where a State has agreed to subject part of its nuclear weapons complex, which deals with the machining of components, to a verification process. A number of techniques can be employed to verify the generic facility (from table 1) and specific aspects of the machining process (from table 2). A situation may arise where a specific verification technique may be deemed too intrusive (e.g. closed-circuit television camera within the machining area), where an alternative method could be used (e.g. monitoring of electricity used by the machine as an indicator of operational load). Ultimately, it would be necessary to produce a list of mutually acceptable verification methods, for example as shown in table 4.

46. The overall quality of such an agreed verification scheme can be assessed by considering key points, such as:

(a) Use of the building — Materials sampled by environmental monitoring can corroborate the use of the materials within the building and (potentially) the deposition of material from any new or undeclared operations;

(b) Staff and responsibilities — A card access control system can record the number of staff entering a building. The actual identification of each individual can only be confirmed when used in combination with closed-circuit television. The chain-of-custody documentation can define the roles of individuals (in this case, for example, who is a qualified machinist). The three verification techniques combined will give an idea of when machine operators are within the building (frequency and duration etc);

(c) Use of the lathes — This is the most sensitive part of the process in this example and no specific Identifier has been agreed for verification. Intrusive techniques such as closed-circuit television or radiation monitoring may give rise to proliferation-sensitive information. Monitoring of the electricity used can be achieved remotely and assessments of frequency and duration of operations can be produced;

(d) Waste production — The chain-of-custody records can be used to identify the individuals who handle and deal with the wastes generated from the process. The tags, in combination with portal monitoring, will confirm declarations on the waste movements.

47. In these examples the verifiable information can contribute a high degree of confidence, based on the number of information items that can be classed as Identifiers and Corroborators at each stage. However, the quality of the information can only be judged based on a sound technical appreciation of the integrity of the results yielded by each technique in the specific situation to which it is applied.

VI. Conclusions

48. Over the course of the reports and presentations made to the Preparatory Committee and Review Conference meetings, the United Kingdom has demonstrated its breadth of research in the verification field. An outline of the many areas of study undertaken within the five-year programme has been given in this paper, with an emphasis on monitoring the nuclear weapons complex. Some of these studies have been evaluations of existing technologies and approaches, while others constitute novel areas of development (e.g. auto radiography).

49. While considerable technology exists to support verification of a disarmament programme, much still needs to be done in a number of areas to develop and prove these. New technologies continue to emerge requiring further detailed assessment of their potential application to this field.

50. The United Kingdom has identified the primary barriers to successful verification in a series of technologies and contexts, including the protection of national security and proliferation-sensitive information. These problems are challenging and require considerable work to overcome them; on the one hand, to validate the results and interpretations of measurements such that they become convincing, and, on the other, to develop the processes by which States can be assured that their sensitive data is protected.

51. In the context of monitoring the nuclear weapons complex, the difficulties in producing a comprehensive definition, meeting all requirements, have been highlighted. It was concluded that the use of facility and environmental monitoring would benefit from being supplemented by the use of other remote monitoring

techniques and that the objectives of any verification exercise were more likely to be achievable if the monitoring was reinforced by procedures such as routine and challenge inspections that themselves would deploy a range of the technologies available.

VII. Programme summary and future direction

52. From the outset of the programme the United Kingdom had identified the four key areas to be addressed as authentication, dismantling, disposition and monitoring the weapon complex. While detailed study on the subject of disposition was not undertaken, on the basis that it was already adequately covered by conventional safeguards, significant effort has been put into addressing the other three areas.

53. Authentication was considered to be the most technically challenging verification task, since a strong element of any technique or technology chosen or developed to address it would be the need to protect national security and proliferation-sensitive information and to overcome any inadvertent or deliberate generation of false indications. A range of technologies have been tested, against United Kingdom warheads and their fissile components, throughout the five-year programme, with varying degrees of success. It has been concluded that many aspects of the authentication process are achievable, but, in many instances, close access to an item is required and in some cases sensitive nuclear weapon design information may be vulnerable.

54. Work on dismantlement involved consideration of the processes associated with dismantling any particular warhead, recognizing that many of these could be specific to the warhead, although some were likely to be generic. Techniques that were studied for potential application to the dismantlement phase included chain-of-custody (e.g. tags and seals; remote monitoring; item tracking; portal monitoring) and inspection techniques (e.g. non-destructive analysis; material control and accountancy; environmental monitoring; information recording). A significant conclusion from this work was that managed access could permit some form of access for non-security cleared personnel into sensitive nuclear warhead facilities, but it identified the need to determine and manage the degree of access that can be given to inspectors without compromising defence- and proliferation-sensitive information.

55. Finally, efforts to address the requirements for monitoring the nuclear weapons complex have highlighted the problems in producing a robust definition for such a complex and the need to consider established facility and environmental monitoring and to supplement this with a range of additional remote monitoring techniques. Furthermore, it is suggested that the verification goal is more likely to be achievable if the monitoring is reinforced by procedures, such as routine and challenge inspections deploying a range of technologies. A procedure for considering the verification of a generic facility was outlined.

56. For the future, the United Kingdom will continue to monitor and evaluate technological developments with relevance to verification but, in terms of the processes and procedures needed to underpin any verification exercise, it is felt that a more focused approach should now be adopted addressing specific areas and issues. This should allow the problems to be more clearly identified and the

solutions or workarounds to be more rigorously exercised. In the latter context the possibility of some collaboration will be explored.

Notes

[1] Nuclear verification. Working paper submitted by the United Kingdom of Great Britain and Northern Ireland, NPT/CONF.2000/MC.1/WP.6 (4 May 2000).

[2] Verification of nuclear disarmament: First interim report on studies into the verification of nuclear warheads and their components. Working paper submitted by the United Kingdom of Great Britain and Northern Ireland, NPT/CONF.2005/PC II/WP.1 (23 April 2003).

[3] Thermography, here, means the use of high precision heat cameras to image and measure heat variations of small fractions of a degree over a solid surface.

[4] Verification of nuclear disarmament: Second interim report on studies into the verification of nuclear warheads and their components. Working paper submitted by the United Kingdom of Great Britain and Northern Ireland, NPT/CONF.2005/PC III/WP.3 (30 April 2004).

[5] A measure of the likelihood that State sensitive information may be revealed.

[6] Synthetic aperture radar uses electronics to vary the nature of the virtual aperture of a radar detector, so that a single instrument can be made to mimic a range of instruments.

[7] Template, here, means the technique of comparing a measured data set from a declared object with a standard data set from a known object without reference to the meaning of the data.

Table 1: Some facility-based verification techniques

Feature	Verification method 1	Verification method 2	Verification method 3
Location of facility buildings and services	Satellite imaging	Environmental monitoring (radioactive emission detection, plant stress etc.)	Regulatory/local government documentation
Building use	Environmental monitoring	CCTV/Satellite imaging	Energy use monitoring
Number of staff and responsibilities	Card access control systems	Chain-of-custody documentation	CCTV/Satellite imaging
Physical security arrangements	Card access control systems	CCTV images at access points	Portal monitors
Material movements (in and out of facility)	Portal monitors	Chain-of-custody documentation	CCTV/Satellite imaging
Waste production and disposal	Environmental monitoring	Chain-of-custody documentation	Hyperspectral imaging

Table 2: Some process-based verification techniques

Feature	Verification method 1	Verification method 2	Verification method 3
Fissile material receipt and internal movements	CCTV	Portal monitors	Chain-of-custody documentation
Fissile material storage	Tags and seals on containers	Electronic monitoring of store access events (CCTV/Seals on doors)	NDA radiological template matching within Treaty
Heating/forming	CCTV	Energy use monitoring	Documentation of equipment recertification
Machining	CCTV	Chain-of-custody documentation	Remote monitoring of electricity use
Post manufacture	CCTV	Chain-of-custody documentation	Documentation of equipment recertification
Product storage and internal movements	Tags and seals on containers	Electronic monitoring of store access events (CCTV/Seals on doors)	NDA radiological Template matching within Treaty
Product dispatch	CCTV	Portal monitors	Chain-of-custody documentation
Waste processing	Tags and seals on containers	Portal monitors	Chain-of-custody documentation

Table 3: Function of verification techniques

Verification function	Meaning and analogy	Nuclear weapons example
Identifier	Used to identify the item or process. (e.g. the label on the jar says "Coffee" and the paperwork traces the jar back to a known coffee manufacturer.)	A **Tag** (e.g. Unit type stencilled on an approved fissile material container); **Documentation** (e.g. Unit number and type appears on dispatch note accompanying container).
Corroborator	Does not unambiguously identify an item or process but can be regarded as supporting evidence of identity, or contributes to confidence in the pedigree of identifier evidence. (e.g. the jar is of a type typically used for coffee and has a mass greater than that of an empty jar. The jar has an intact foil seal.)	**Portal monitors** (e.g. neutron activity detected as container passes through en route to storage); **NDA radiological template matching** (agreed information barrier technique confirms expected type of radioactivity emerging from container); A **Seal** (e.g. of approved type, indicating container is not empty).

Table 4: Hypothetical list of agreed verification techniques

Feature to be verified	Verification techniques	Functional type
Building use	Environmental monitoring	Corroborator
Staff and responsibilities	Card access control system	Corroborator
	CCTV	Identifier
	Chain of custody	Corroborator
The use of lathes	Remote monitoring of electricity use	Corroborator
Waste production	Chain of custody	Corroborator
	Tag declaring type and level of neutron emitters in waste	identifier
	Portal monitor with neutron detector	Corroborator

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2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Nuclear disarmament and reduction of the danger of nuclear war

Working paper submitted by China

The Chinese delegation hereby requests that the following elements be incorporated in the report of Main Committee I and the Final Document of the Review Conference.

1. A security concept based on mutual trust, mutual benefit, equality and cooperation should be pursued, so as to ensure common security for all and create a favourable regional and international environment for nuclear disarmament.

2. The international legal framework governing arms control, disarmament and non-proliferation should be preserved, and predictability of the development in international security should be enhanced.

3. Adhering to multilateralism is the right path to maintaining and promoting international arms control and disarmament, including nuclear disarmament.

4. Efforts in nuclear disarmament, preventing proliferation of nuclear weapons and peaceful uses of nuclear energy are mutually complementary and reinforcing.

5. The goal of complete prohibition and thorough destruction of nuclear weapons should be achieved at an early date and an international legal instrument thereupon should be concluded, thus realizing a world free of nuclear weapons.

6. Nuclear disarmament should be a just and reasonable process of gradual reduction towards a downward balance.

7. States possessing the largest nuclear arsenals bear special responsibility for nuclear disarmament and should take the lead in drastically reducing their nuclear arsenals in a verifiable, irreversible and legally binding way.

8. Nuclear disarmament undertakings, including intermediate steps, should follow the guidelines of promoting global strategic balance and stability and undiminished security for all.

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* Reissued for technical reasons.

9. The missile defence programme should not affect global strategic balance and stability or impair regional and international peace and stability.

10. Prevention of weaponization of and an arms race in outer space is in the interests of all countries, and the Conference on Disarmament is urged to negotiate and conclude relevant international legal instruments as soon as possible so as to prevent the weaponization of and an arms race in outer space, and to promote nuclear disarmament and nuclear non-proliferation.

11. The Comprehensive Nuclear-Test-Ban Treaty is an important step in the nuclear disarmament process. Countries that have not done so should sign and ratify the Treaty as soon as possible so that it may enter into force at an early date according to its provisions, and the nuclear-weapon States should continue to observe their moratoriums on nuclear testing.

12. The Conference on Disarmament should reach an agreed programme of work so as to begin at an early date substantive work on nuclear disarmament, banning the production of fissile materials for nuclear weapons, prevention of an arms race in outer space and negative security assurances.

13. The Conference agrees to undertake the following measures to promote nuclear disarmament, reduce the danger of nuclear war and diminish the role of nuclear weapons in national security policy:

(a) To abandon the policies of nuclear deterrence based on the first use of nuclear weapons and lowering the threshold of using nuclear weapons;

(b) To honour their commitment not to target their nuclear weapons against any countries, nor to list any countries as targets of nuclear strike;

(c) To undertake that at any time or under any circumstances, not to be the first to use nuclear weapons; not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones; and to conclude relevant international legal instruments thereupon;

(d) Not to develop easy-to-use low-yield nuclear weapons;

(e) To withdraw and return home all the nuclear weapons deployed outside their own territories;

(f) To abandon the policy and practice of "nuclear umbrella" and "nuclear sharing";

(g) To take all necessary steps to avoid accidental or unauthorized launches of nuclear weapons.

14. The realization of universality of the Treaty on the Non-Proliferation of Nuclear Weapons is of extreme importance and countries that have not yet done so should accede to the Treaty as non-nuclear-weapon States at an early date.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Non-proliferation of nuclear weapons

Working paper submitted by China

The Chinese delegation hereby requests that the following elements be incorporated in the report of Main Committee II and the Final Document of the Review Conference.

1. Prevention of nuclear weapons proliferation is conducive to preserving regional and international peace and security. It is in the common interests, and is a shared responsibility of the international community.

2. Prevention of nuclear weapons proliferation is also an effective and necessary step towards complete prohibition and thorough destruction of nuclear weapons. Efforts exerted by the international community to prevent nuclear weapons proliferation are an indispensable part of the international nuclear disarmament process.

3. All States should devote themselves to building a global security environment of cooperation and mutual trust, developing a security perception based on mutual trust, mutual benefit, equality and cooperation, and ensuring common security for all members of the international community; thereby removing motivations of States to acquire, develop or maintain nuclear weapons.

4. To achieve the goal of prevention of nuclear weapons proliferation, States, as equal members of the international community, should promote dialogue and cooperation as well as develop and improve international nuclear non-proliferation regimes.

5. All concerns related to proliferation of nuclear weapons should be addressed peacefully through political and diplomatic means within the framework of existing international laws. States should refrain from wilful threat or use of force.

6. Double standards on nuclear non-proliferation must be discarded. It is essential to ensure the fair, reasonable and non-discriminatory nature of the international nuclear non-proliferation regime. Efforts to strengthen the international nuclear non-proliferation regimes should follow the principle of multilateralism, and

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* Reissued for technical reasons.

be carried out through broad consultations. Great importance should be attached and full play given to the role of the United Nations and other international organizations in these endeavours.

7. Nuclear non-proliferation and peaceful uses of nuclear energy would promote each other. On the one hand, legitimate rights of using nuclear energy for peaceful purposes should be guaranteed, subject to full compliance with the nuclear non-proliferation obligations; while on the other, efforts should be made to prevent any country from engaging in proliferation activity under the pretext of peaceful use.

8. For the sake of the effectiveness and integrity of the NPT, each and every obligation of this treaty should be strictly abided by and fully implemented.

9. Universality of the NPT is an important component of preventing nuclear weapons proliferation. The accession to the NPT by Cuba and Timor-Leste are welcome and appreciated in this regard. Countries that have not done so yet are urged to join the NPT as non-nuclear-weapon States as soon as possible and place all their nuclear facilities under the safeguards of the International Atomic Energy Agency (IAEA) in accordance with the NPT provisions.

10. IAEA safeguards is an effective and significant means in preserving the international nuclear non-proliferation regime. The universality of comprehensive safeguards agreements and additional protocols should be promoted.

11. All States should honestly implement resolution 1540 (2004) of the United Nations Security Council and enhance and consolidate international cooperation on the basis of existing international law, so as to properly deal with illicit trafficking of weapons of mass destruction, their means of delivery, and related materials by non-State actors.

12. Measures should be taken to further strengthen nuclear export control regimes and to support efforts by the Zangger Committee and the Nuclear Suppliers Group (NSG) in this regard.

13. Effective measures should be taken to guard against and counter nuclear terrorism, support IAEA efforts in preventing nuclear terrorism and to conclude negotiations on amendments to the *Convention on Physical Protection of Nuclear Material* at the earliest date.

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Nuclear-Weapon-Free Zone

Working Paper submitted by China

The Chinese Delegation hereby requests that the following elements be incorporated in the report of Main Committee II and the Final Document of the Review Conference.

1. Nuclear-weapon-free zones are of great significance in promoting nuclear disarmament, preventing proliferation of nuclear weapons and enhancing regional and global peace and stability.

2. All nuclear-weapon states should undertake unconditionally not to use or threaten to use nuclear weapons against non-nuclear-weapon states or nuclear-weapon-free zones, and conclude international legal instrument thereupon.

3. The guideline on establishing nuclear-weapon-free zone adopted by the United Nations Disarmament Commission in 1999 should be honestly observed.

4. The steps taken by the non-nuclear-weapon states concerned since 2000 to establish new nuclear-weapon-free zones are welcome and should be supported. Non-nuclear-weapon states should be encouraged to continue to make efforts and advance proposals on establishing new nuclear-weapon-free zones.

5. The international community should support efforts made by states of the regions concerned to establish nuclear-weapon-free zones in accordance with the regional situation and on a voluntary basis.

6. The nuclear-weapon states should respect the legal status of nuclear-weapon-free zones, and undertake corresponding obligations in a legally binding manner.

7. The establishment of nuclear-weapon-free zones and the signature and ratification of the protocols to nuclear-weapon-free-zone treaties by the nuclear-weapon states have played important roles in extending security assurances to non-nuclear-weapon states in the zones concerned. The nuclear-weapon states should take effective measures to carry out their security assurances stipulated in all nuclear-weapon-free-zone treaties and relevant protocols.

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Nuclear Issues in the Middle East

Working Paper submitted by China

The Chinese Delegation hereby requests that the following elements be incorporated in the report of Main Committee II and the Final Document of the Review Conference.

1. Regional security and proliferation of weapons of mass destruction (WMD), including nuclear weapons, are closely interrelated. Therefore, all the parties concerned should make further efforts to promote the peace process in the Middle East in a spirit of reconciliation, in order to enhance substantively the peace and stability in the region. Supports should be given to the United Nations, in particular the Security Council, in playing a more active role in Middle East peace process. The parties concerned should seize the favorable opportunities to pursue a final proper solution to the Middle East questions on the basis of relevant resolutions of the United Nations (UN) and the principle of "land for peace".

2. The proposals of and efforts by Middle East countries to establish a zone free of nuclear weapons and other WMDs in the Middle East should be supported. Concrete efforts should be made to promote the establishment of such a zone in accordance with the UN General Assembly resolutions, the Resolution on the Middle East adopted at the 1995 NPT Review Conference, and relevant provisions of the Final Document of the 2000 NPT Review Conference.

3. The Iranian nuclear issue should be resolved reasonably through dialogue within the framework of the International Atomic Energy Agency (IAEA). Iran should be encouraged to continue its comprehensive cooperation with the IAEA in order to solve all the outstanding issues properly. Supports should be given to Iran and the three European Union countries, supported by the High Representative, in their negotiations on a long-term solution. The resolves of Iran and EU to handle this issue through negotiations are appreciated. We hope that the negotiations will have concrete results at an early date.

4. Libya's abandonment of its WMD programmes and acceptance of IAEA inspections is a remarkable achievement of international efforts in preventing the proliferation of nuclear weapons through peaceful means. Libya's decision is of

great significance to consolidating and strengthening the international nuclear non-proliferation regime.

5. Israel should access to the NPT as a non-nuclear-weapon state and place all its nuclear facilities under IAEA safeguards without delay. The states concerned in this region should sign and ratify Comprehensive Safeguard Agreement with IAEA and the additional protocol. All these measures are essential for strengthening the international non-proliferation regime and establishing a zone free of nuclear weapons or other WMDs in the Middle East.

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Peaceful Uses of Nuclear Energy

Working Paper submitted by China

The Chinese Delegation hereby requests that the following elements be incorporated in the report of Main Committee III and the Final Document of the Review Conference.

1. It is one of the important objectives of the NPT to promote peaceful uses of nuclear energy and the relevant international cooperation. Enhanced efforts in the peaceful uses of nuclear energy are conducive to a comprehensive realization of all the objectives of the NPT and will be helpful in promoting nuclear disarmament and preventing nuclear weapons proliferation.

2. The prevention of nuclear weapons proliferation and the peaceful uses of nuclear energy are mutually complementary and inseparably linked with each other. Non-proliferation efforts should not undermine the legitimate rights of countries, especially the developing countries, to the peaceful uses of nuclear energy.

3. A proper balance between the safeguards and the international cooperation in the peaceful uses of nuclear energy of the International Atomic Energy Agency (IAEA) will entail more chance for active support of and participation in the IAEA's activities.

4. Technical assistance to the developing countries on peaceful uses of nuclear energy should be further strengthened.

5. Adequate fund should be guaranteed for IAEA's promotional and technical cooperation activities. All states parties should contribute to the Technical Cooperation Fund in full and in time.

6. Governments should take primary responsibility of physical protection of nuclear material and facilities. International cooperation in this field should be strengthened and supported, including the efforts by IAEA. Resources requires to achieve these goals should be allocated through means other than compromising the key activities of IAEA, particularly its promotional activities.

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Security Assurances

Working Paper submitted by China

The Chinese Delegation hereby requests that the following elements be incorporated in the report of Main Committee I and the Final Document of the Review Conference.

1. In order to free the world from the threat of nuclear weapons and the risk of nuclear war, all nuclear weapons should be subjected to complete prohibition and thorough destruction. Before this objective is achieved, all nuclear-weapon states should undertake not to be the first to use nuclear weapons and not to use or threaten to use nuclear weapons against non-nuclear-weapon states or nuclear-weapon-free zones at any time and under any circumstances.

2. Legally binding security assurance by nuclear-weapon states to the non-nuclear-weapon states is conducive to strengthening the international nuclear non-proliferation regime. International legally binding instruments on these issues should be concluded as early as possible.

3. Nuclear-weapon states should lower the role of nuclear weapons in their national security strategies and not list any countries as targets of nuclear strike.

4. Nuclear-weapon states should support non-nuclear-weapon states' efforts to establish nuclear-weapon-free zones and undertake corresponding obligations.

5. The Conference on Disarmament should re-establish an ad hoc committee on negative security assurances and start substantive work and negotiations without delay.

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Working paper presented by the members of the Group of Non-Aligned Movement States parties to the Treaty on the Non-Proliferation of Nuclear Weapons

The Group of Non-Aligned Movement States parties to the Treaty on the Non-Proliferation of Nuclear Weapons believes, in terms of the strengthened review process and in the context of fully implementing the Treaty and pursuant to the decisions and resolution adopted by the 1995 Review and Extension Conference, as well as the Final Document of the 2000 Review Conference, that outcomes that have been deliberated upon throughout the preparatory process should be considered at the 2005 Review Conference, with a view to their implementation.

The Non-Aligned Movement States parties to the Treaty remain alarmed by the threat to humanity posed by the continued existence of nuclear weapons. They are convinced that disarmament and arms control, particularly in the nuclear field, are essential for the prevention of dangers of nuclear war and the strengthening of international peace and security, as well as for the economic and social advancement of all peoples. They therefore reiterate that the responsibility for managing and achieving worldwide economic and social development as well as for responding to threats to international peace and security must be shared among all nations of the world and exercised multilaterally.

The Non-Aligned Movement States parties to the Treaty express their strong concern at the growing resort to unilateralism and unilaterally imposed prescriptions, as well as strategic defence doctrines that set out new rationales for the use of nuclear weapons, including elements aimed at enlarging the scope for possible use or threat of use of force even more. Therefore, they strongly underline and affirm that multilateralism and multilaterally agreed solutions, in accordance with the Charter of the United Nations, provide the only sustainable method of addressing disarmament and international security issues.

The Non-Aligned Movement States parties to the Treaty recall that at the summit of the Non-Aligned Movement, held in Kuala Lumpur in 2003, the Heads of State or Government of the Movement recalled their principled positions on nuclear disarmament and the related issues of nuclear non-proliferation and nuclear tests, which were contained in the Final Document adopted by the Summit. They expressed their concern at the slow pace of progress towards nuclear disarmament, which constitutes their primary disarmament objective and remains their highest priority. In that context, they underscored the need for the nuclear-weapon States to implement the unequivocal commitment they provided in 2000, so as to accomplish the total elimination of nuclear weapons, and emphasized, in this regard, the urgent need to commence negotiations without delay. At the 2004 ministerial conference in Durban, South Africa, the Foreign Ministers reiterated the Movement's long-standing principled position in favour of the total elimination of all nuclear testing and expressed concern at the lack of progress by the nuclear-weapon States towards accomplishing the elimination of their nuclear arsenals, leading to nuclear disarmament, and at the recent negative developments regarding the ratification of the Comprehensive Nuclear-Test-Ban Treaty.

The Non-Aligned Movement States parties to the Treaty also recall that, at the 1998 Durban summit, the Heads of State or Government of the Movement also considered positively the commitment by parties concerned in the South Asian region to exercise restraint, which contributes to regional security, to discontinue nuclear tests and not to transfer nuclear-weapons-related material, equipment and technology. The Non-Aligned Movement States parties to the Treaty recall that the 2000 Review Conference noted that India and Pakistan have declared moratoriums on further testing and have expressed their willingness to enter into legal commitments not to conduct any further nuclear testing by signing and ratifying the Comprehensive Nuclear-Test-Ban Treaty. The Conference urged both States to sign the Treaty, in accordance with their pledges to do so.

The Non-Aligned Movement States parties to the Treaty believe that the 2005 Review Conference should engage immediately, in good faith, in substantive work for the speedy and meaningful implementation of the obligations under the Treaty and the commitments contained in the 1995 principles and objectives document and the resolution on the Middle East, as well as the Final Document of the 2000 Review Conference.

The Non-Aligned Movement States parties to the Treaty recall that, at the ministerial meeting of the Movement held in Durban, South Africa, the Foreign Ministers called for the full implementation of, and the firm commitment by all States parties to, the package agreed to at the 1995 NPT Review and Extension Conference at the 2005 Review Conference which comprises the decisions "Strengthening the Review Process for the Treaty", "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" and "Extension of the Treaty on the Non-Proliferation of Nuclear Weapons", the resolution on the Middle East, as well as to the Final Document of the 2000 Review Conference, in particular the 13 practical steps for the systematic and progressive efforts to implement article VI of the Treaty.

The Non-Aligned Movement States parties to the Treaty recall that at its third session, the Preparatory Committee agreed to recommend to the Conference that the rules of procedure allow for the establishment of subsidiary bodies to the Main Committees of the Conference, so as to provide for focused consideration of specific issues relevant to the Treaty. The Non-Aligned Movement States parties to the Treaty further recall that specific time was made available at the 2000 Review Conference and during its preparatory process for discussion on and consideration of proposals on the provisions in article VI and in paragraphs 3 and 4 (c) of the 1995 decision on "Principles and Objectives for Nuclear Non-Proliferation and

Disarmament", dealing with nuclear disarmament, as well as on the resolution on the Middle East adopted at the 1995 Review and Extension Conference. In this context, we reiterate that the Durban ministerial conference reaffirmed and underlined the importance of establishing at the 2005 Review Conference subsidiary bodies to the relevant Main Committees to deliberate on practical steps for systematic and progressive efforts to eliminate nuclear weapons, to consider and recommend proposals on the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the NPT and to consider security assurances.

The Non-Aligned Movement States parties to the Treaty believe that that kind of approach will strengthen the review process and will provide the basis for a successful outcome of the 2005 Review Conference. In that vein, the Non-Aligned States parties to the Treaty propose the following draft recommendations to be considered by the Review Conference.

Preamble

1. The States parties to the Treaty emphasize the importance of the full and non-selective implementation of the Treaty in the areas of nuclear disarmament, non-proliferation and the peaceful uses of nuclear energy. The State parties remain fully convinced that the Treaty is a key instrument in the efforts to halt the vertical and horizontal proliferation of nuclear weapons and an essential foundation for the pursuit of nuclear disarmament. States parties to the Treaty should work towards a fair balance between mutual obligations and responsibilities under the Treaty, with a view to achieving the total elimination of nuclear weapons.

2. The States parties recall that the Treaty fosters the development of peaceful uses of nuclear energy by providing a framework of confidence and cooperation within which those uses can take place. The State parties reaffirm the inalienable right of States parties to the Treaty to engage in research, production and the use of nuclear energy for peaceful purposes without discrimination, and that free, unimpeded and non-discriminatory transfer of nuclear technology for peaceful purposes should be fully ensured. Therefore, the State parties emphasize that nothing in the Treaty shall be interpreted as affecting this right.

3. The States parties underscore that the Treaty rests on three pillars — non-proliferation, disarmament and peaceful nuclear cooperation — and agree that these pillars represent a set of interrelated and mutually reinforcing obligations and rights of State parties.

4. The States parties agree that, in order to ensure the effective implementation of the Treaty and of decisions, resolutions and documents adopted at the Review Conference, an open-ended standing committee, which would work intersessionally to follow up recommendations concerning implementation of the Treaty should be established by the 2005 Review Conference.

5. The States parties underscore that the indefinite extension of the Treaty does not imply the indefinite possession by the nuclear-weapon States of their nuclear arsenals, and consider, in this regard, that any assumption of indefinite possession of nuclear weapons is incompatible with the integrity and sustainability of the nuclear non-proliferation regime, both vertical and horizontal, and with the broader objective of maintaining international peace and security.

Article I

6. The States parties agree that strict observance of the terms of article I remains central to achieving the shared objectives of preventing, under any circumstances, further proliferation of nuclear weapons and of preserving the Treaty's vital contribution to peace and security. The States parties recall that the nuclear-weapon States reaffirmed their commitment not to transfer to any recipients nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices, directly or indirectly, and not, in any way, to assist, encourage or induce any non-nuclear-weapon States to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices. The States parties call upon them to adhere to this commitment.

7. The nuclear-weapon States parties to the Treaty reaffirm their commitments to the fullest implementation of this article and to refrain from nuclear sharing for military purposes under any kind of security arrangements, among themselves, with non-nuclear-weapon States and with States not party to the Treaty.

8. The States parties remain concerned about the ability of certain States not parties to the Treaty to obtain nuclear materials, technology and know-how to develop nuclear weapons. The States parties call for the total and complete prohibition of the transfer of all nuclear-related equipment, information, material and facilities, resources or devices and the extension of assistance in the nuclear, scientific or technological fields to States non-parties to the Treaty without exception.

Article II

9. Non-nuclear-weapon States parties to the Treaty reaffirm their commitment to the full implementation of this article and to refrain from nuclear sharing for military purposes under any kind of security arrangements with the nuclear-weapon States, non-nuclear-weapon States and States not party to the Treaty.

Article III

10. The States parties reaffirm that IAEA is the competent authority responsible for verifying and assuring, in accordance with the statute of IAEA and its safeguards system, compliance with its safeguards agreements with States parties undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. It is the conviction of the Conference that nothing should be done to undermine the authority of IAEA in this regard.

11. The States parties call on the nuclear-weapon States and all States not party to the Treaty to place their nuclear facilities under IAEA full-scope safeguards.

12. The States parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by any States party should direct such concerns, along with supporting evidence and information, to the Agency to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate. Measures should be taken to ensure that the inalienable rights of all States parties, under the provisions of the preamble and articles of the Treaty, are fully protected and that no State party is limited in the exercise of this right based on allegations of non-compliance not verified by IAEA.

13. The States parties support the principles that new supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require, as a necessary precondition, acceptance by all States parties of IAEA full-scope safeguards, and that excess nuclear material in military stockpiles and nuclear materials removed from nuclear weapons as a result of nuclear weapons reduction agreements should be placed under IAEA safeguards.

14. Every effort should be made to ensure that IAEA has the financial and human resources necessary in order to meet effectively its responsibilities in the areas of technical cooperation, safeguards and nuclear safety.

Article IV

15. The States parties reaffirm their inalienable right to engage in research, production and use of nuclear energy for peaceful purposes without discrimination; and that free and unimpeded and non-discriminatory transfer of nuclear technology for peaceful purposes to all States parties should be fully ensured.

16. The States parties to the Treaty emphasize once more that nothing in the Treaty shall be interpreted as affecting the inalienable right of all parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III of the Treaty. The States parties stress that this right constitutes one of the fundamental objectives of the Treaty. In this connection, the States parties confirm that each country's choices and decisions in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel-cycle policies.

17. The States parties note with concern that undue restrictions on the export to developing countries of material, equipment and technology for peaceful purposes persist. They emphasize that proliferation concerns are best addressed through multilaterally negotiated, universal, comprehensive and non-discriminatory agreements. Non-proliferation control arrangements should be transparent and open to participation by all States, and should ensure that they do not impose restrictions on access to material, equipment and technology for peaceful purposes required by developing countries for their continued development. They express their strong rejection of attempts by any member State to use the IAEA technical cooperation programme as a tool for political purposes in violation of the IAEA statute. The States parties recall that the 2000 Review Conference recognized the benefits of the peaceful applications of nuclear energy and nuclear techniques in the fields referred to in articles II and III of the IAEA statute, and their contribution to achieving sustainable development in developing countries and for generally improving the well-being and the quality of life of the peoples of the world.

18. The States parties reaffirm the responsibility of nuclear supplier States parties to the Treaty to promote the legitimate needs of nuclear energy of the States parties to the Treaty, with preferential treatment rendered to developing ones, by allowing the latter to fully participate in possible transfer of nuclear equipment, materials and scientific and technological information for peaceful purposes, with a view to

achieving the largest benefits and applying pertinent elements of sustainable development in their activities.

19. The States parties reaffirm the inviolability of peaceful nuclear activities emanating from the international norms prohibiting the use of force in international relations, in particular Article 2 (4) of the Charter of the United Nations, in considering that any attack or threat of attack on nuclear facilities devoted to peaceful uses of nuclear energy constitutes a grave violation of international law, principles and purposes of the Charter and regulations of IAEA, and would entail highly dangerous political, economic and environmental implications, particularly for civilian inhabitants; and believe that they bear a solemn responsibility to continue to play a leading role towards the establishment of comprehensive and universal norms and standards specifically prohibiting attacks, or threat of attacks, on nuclear facilities devoted to peaceful uses of nuclear energy.

20. The States parties encourage the adoption of appropriate measures to regulate international maritime transportation of radioactive waste and spent fuel to the highest standards in international security and support current efforts within IAEA to adopt and improve international regulations in that regard. The States parties call for effective implementation of the IAEA Code of Practice on the International Transboundary Movement of Radioactive Waste as a means of enhancing the protection of all States from the dumping of radioactive wastes in their territories.

Article V

21. The States parties will take into account all the provisions of the Comprehensive Nuclear-Test-Ban Treaty related to this article.

22. The States parties call upon the nuclear-weapon States to refrain from conducting all types of tests, in conformity with the objectives of the Comprehensive Nuclear-Test-Ban Treaty. They also call upon nuclear-weapon States to provide transparency on site and other confidence-building measures in the full implementation of the provisions of the Treaty in order to meet international concerns.

23. The States parties stress the significance of achieving universal adherence to the Comprehensive Nuclear-Test-Ban Treaty, including by all nuclear-weapon States, which, inter alia, should contribute to the process of nuclear disarmament.

24. The States parties reaffirm the importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty. The States parties call upon all States, in particular nuclear-weapon States, which have not yet done so to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty. Pending its entry into force, the States parties call upon the nuclear-weapon States to comply with its letter and spirit and to refrain from any actions that run contrary to the objectives and purposes of this international instrument.

25. The States parties reiterate that if the objectives of the Treaty are to be fully realized, the continued commitment of all signatories, especially the nuclear-weapon States, to nuclear disarmament is essential. The States parties express their concern at the recent negative developments with regard to the ratification of the Comprehensive Nuclear-Test-Ban Treaty.

Article VI

26. The States parties note with regret that, despite the conclusion of limited agreements, the provisions of article VI and the ninth to twelfth preambular paragraphs of the Treaty have not been fulfilled since the Treaty came into force. The States parties stress the need to take effective measures towards nuclear disarmament, thus reaffirming their role in achieving that objective.

27. The States parties reaffirm the need for nuclear-weapon States to fully comply with all their obligations and commitments under article VI, including the 13 practical steps, to which they agreed at the 2000 NPT Review Conference, with a view to accomplishing the total elimination of nuclear weapons.

28. The States parties reaffirm that nuclear weapons pose the greatest danger to mankind and to the survival of civilization. Halting and reversing the nuclear arms race in all its aspects is essential in order to avert the danger of war involving nuclear weapons. The goal is the complete elimination of nuclear weapons. In the task of achieving nuclear disarmament, all States parties bear responsibility, in particular those nuclear-weapon States possessing the most important nuclear arsenals. The States parties remain alarmed by the threat posed by the continued existence of nuclear weapons and convinced that nuclear disarmament is essential for the prevention of dangers of nuclear war and the strengthening of international peace and security, as well as for the economic and social advancement of all peoples.

29. While noting the signing of the Moscow Treaty on 24 May 2002, the States parties stress that reductions in deployments and in operational status cannot substitute for irreversible cuts in, and the total elimination of, nuclear weapons. The States parties express their concern that the non-entry into force of START II is a setback to the 13 practical steps in the field of nuclear disarmament adopted at the 2000 Review Conference.

30. The States parties remain deeply concerned at strategic defence doctrines that set out rationales for the use of nuclear weapons. The States parties are concerned at the negative implications of the development and deployment of anti-ballistic missile defence systems and the pursuit of advanced military technologies capable of deployment in outer space, which have, inter alia, contributed to the further erosion of an international climate conducive to the promotion of disarmament and the strengthening of international security. The abrogation of the Treaty on the Limitation of Anti-Ballistic Missile Systems brings new challenges to strategic stability and the prevention of an arms race in outer space.

31. The States parties reaffirm that the priority of disarmament negotiations shall be nuclear weapons, in accordance with the Final Document of the first special session of the General Assembly on disarmament.

32. The States parties reaffirm their commitment to fulfil with determination their obligations under article VI, in particular the nuclear-weapon States, to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament.

33. The States parties, in particular the nuclear-weapon States, shall inform the Secretary-General of the United Nations of the efforts and measures they have taken on the implementation of the unanimous conclusion of the International Court of

Justice that there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

34. The States parties call upon the Conference on Disarmament to establish, as soon as possible and as the highest priority, an ad hoc committee on nuclear disarmament, taking into account all proposals that have been submitted by members of the Group of 21 and the five ambassadors, and to commence negotiations on a phased programme of nuclear disarmament and for the complete elimination of nuclear weapons within a specified framework of time, including a nuclear weapons convention prohibiting the development, production, testing, employment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination.

35. The States parties renew their call for the immediate commencement and early conclusion of negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production and stockpiling of fissile material for nuclear weapons and other nuclear explosive devices, taking into account both nuclear disarmament and non-proliferation objectives, within an appropriate ad hoc committee in the Conference on Disarmament.

36. The State parties regret the continuing lack of progress on items relevant to nuclear issues an the agenda of the Conference on Disarmament.

37. The States parties call for the full implementation of the unequivocal commitment given by the nuclear-weapons States at the 2000 Review Conference to accomplish the total elimination of their nuclear arsenals, leading to nuclear disarmament. They expect that that commitment will be demonstrated without delay through an accelerated process of negotiations and through full implementation of the 13 practical steps to advance systematically and progressively towards a nuclear-weapons-free world, as agreed to in 2000. They regret that, despite the expectation of the international community that the successful outcome of the 2000 Review Conference would lead to the fulfilment of the unequivocal commitment given by the nuclear-weapon States, as well as of the full implementation of the 13 practical steps, very little progress has been made.

38. The States parties express serious concern that the development of new types of nuclear weapons are being considered by one nuclear-weapons State, and reiterated that the provision for the use or threat of use of nuclear weapons against non-nuclear-weapon States is in contravention of the security assurances provided by the nuclear-weapons States. They reiterate that the development of new types of nuclear weapons is in contravention of the commitments provided by the nuclear-weapons States at the conclusion of the CTBT, ensuring that the Treaty would prevent improvement of existing nuclear weapons and the development of new types of nuclear weapons.

39. The States parties agree to establish a subsidiary body to Main Committee I of the 2005 Review Conference to deliberate on practical steps for systematic and progressive efforts to eliminate nuclear weapons.

Article VII

40. The States parties welcome the efforts aimed at establishing new nuclear-weapon-free zones in all regions of the world, and call for cooperation and

broad consultation in order to achieve agreements freely arrived at among the States of the region concerned. The States parties also welcome the decision by all five Central Asian States to sign the Central Asian nuclear-weapon-free-zone treaty. The States parties reiterate their support for Mongolia's nuclear-weapon-free status, and consider that the institutionalization of that status would be an important measure towards strengthening the non-proliferation regime in that region.

41. The States parties reiterate their support for the establishment in the Middle East of a zone free of nuclear weapons and other weapons of mass destruction, and to this end, they reaffirm the need for the speedy establishment of a nuclear-weapon-free zone in the Middle East, in accordance with Security Council resolution 487 (1981) and the relevant General Assembly resolutions adopted by consensus. The States parties recall that the 2000 Review Conference reaffirmed the importance of Israel's accession to the Non-Proliferation Treaty and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East.

42. The States parties recall that the States parties and signatories to the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba that are parties to the Treaty reaffirmed their commitment to promote the common goals envisaged in those Treaties and to explore and implement further ways and means of cooperation, including the consolidation of the status of the nuclear-weapon-free southern hemisphere and adjacent areas. The States parties welcome the convening of the international conference of States parties and signatories to the treaties that establish nuclear-weapon-free zones in Tlatelolco, Mexico, held from 26 to 28 April 2005. The States parties continue to consider the establishment of nuclear-weapon-free zones created by the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba as positive steps towards attaining the objective of global nuclear disarmament.

Article VIII

43. The States parties will continue their endeavours to strengthen the review process of the operation of the Treaty, with a view to assuring that the purposes of the preamble and the provisions of the Treaty in their entirety are being realized.

Article IX

44. The States parties re-emphasize the urgency and the importance of achieving the universality of the Treaty, particularly by the accession to the Treaty at the earliest possible date of States possessing nuclear capabilities. They will make determined efforts to achieve this goal. The States parties also recall that the Final Document of the 2000 Review Conference urged India and Pakistan to accede to the Treaty as non-nuclear-weapon States and to place all their nuclear facilities under comprehensive IAEA safeguards. The States parties call on Israel, the only country in the Middle East region that has not acceded to the Treaty, nor declared its intention to do so, to renounce the possession of nuclear weapons, to accede to the Treaty without delay as a non-nuclear-weapon State, to place promptly all its nuclear facilities under IAEA safeguards and to conduct all its nuclear-related activities in conformity with the non-proliferation regime.

Article X

45. The States parties note the decision by the Democratic People's Republic of Korea to withdraw from the Treaty, and express the view that the parties directly concerned should resolve, through dialogue and negotiations, all issues related to that withdrawal, as an expression of their goodwill.

Security assurances

46. The States parties reaffirm that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons. They reiterate the agreement at the 2000 Review Conference that legally binding security assurances by the five nuclear-weapon States to the non-nuclear-weapon States strengthen the nuclear non-proliferation regime. The States parties call for the establishment of a subsidiary body on security assurances at the 2005 NPT Review Conference.

Resolution on the Middle East

47. The States parties recall that the adoption of the resolution on the Middle East by the 1995 Review and Extension Conference on 11 May 1995 constituted an integral part of the package of the 1995 outcome comprising three decisions and a resolution, and as such they reaffirm their firm commitment to work towards the full implementation of that resolution. The States parties recognize the special responsibility of the depository States, as co-sponsors of the 1995 resolution on the Middle East.

48. The States parties note that, since the adoption of the 1995 resolution on the Middle East, all States in the region have become parties to the Treaty, with the exception of Israel. The States parties stress the urgent need for Israel to accede to the Treaty without further delay, to place all its nuclear facilities under full-scope IAEA safeguards and to conduct its nuclear-related activities in conformity with the non-proliferation regime, in order to enhance the universality of the Treaty and to avert the risk of nuclear proliferation in the Middle East.

49. The nuclear-weapon States, in conformity with their obligations under article I of the Treaty, solemnly undertake not to transfer nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly, to Israel, and further undertake not to assist, encourage or induce Israel in any way to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices under any circumstances whatsoever.

50. The States parties, in conformity with the seventh preambular paragraph and article IV of the Treaty, hereby declare their commitment to exclusively prohibit the transfer of all nuclear-related equipment, information, material and facilities, resources or devices, and the extension of know-how or any kind of assistance in the nuclear, scientific or technological fields to Israel, as long as it remains a non-party to the Treaty and has not placed all its nuclear facilities under full-scope IAEA safeguards. The States parties express their serious concern at the continuing development whereby Israeli scientists are provided access to the nuclear facilities of one nuclear-weapon State. This development will have potentially serious

negative implications regarding security in the region and reliability of the global non-proliferation regime.

51. The States parties reaffirm once again their determination to extend their full cooperation and to exert their utmost efforts, with a view to ensuring the early establishment in the Middle East of a zone free of nuclear as well as all other weapons of mass destruction and their delivery systems.

52. The States parties agree that specific time should be made available at meetings of the Preparatory Committee for the 2010 Review Conference to review the implementation of the resolution on the Middle East of the 1995 Review and Extension Conference and the Final Document of the 2000 Review Conference.

53. The States parties agree to establish a subsidiary body to Main Committee II of the 2005 Review Conference to consider and recommend proposals on the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference and the Final Document of the 2000 Review Conference.

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2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Article V, article VI and preambular paragraphs 8 to 12 [Comprehensive Nuclear-Test-Ban Treaty]

Working paper for submission to Main Committee I and to Main Committee III by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden

1. The Conference reaffirms that the Comprehensive Nuclear-Test-Ban Treaty constitutes an effective measure of nuclear disarmament and nuclear non-proliferation in all its aspects and is vital to the Treaty on the Non-Proliferation of Nuclear Weapons. The Comprehensive Nuclear-Test-Ban Treaty was an integral part of the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons. The Conference therefore stresses that the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty is of utmost urgency and importance and reiterates the agreement from the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons where early entry into force of the Comprehensive Nuclear-Test-Ban Treaty was identified as the first of thirteen practical nuclear disarmament steps. The Conference reaffirms that the provisions of article V of the Treaty on the Non-Proliferation of Nuclear Weapons as regards the peaceful applications of any nuclear explosions are to be interpreted in the light of the Comprehensive Nuclear-Test-Ban Treaty.

2. The Conference notes with concern that nine years after it was opened for signature, the Comprehensive Nuclear-Test-Ban Treaty has still not entered into force. The Conference welcomes the signing of the Treaty by 175 States, of which 120 have ratified the Treaty, including 33 whose ratification is necessary for its entry into force. The Conference renews its call upon all States, particularly the remaining eleven Annex 2 States whose ratification is a prerequisite for entry into force, to sign and/or ratify the treaty without delay.

3. The Conference welcomes the results of the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty (Article XIV Conference) held in September 2003 and its adoption of 12 specific and practical measures to promote the early entry into force of the Treaty. The Conference welcomes the work of its Special Representative in that regard. Another Article XIV Conference is to be held 22-24 September 2005, and the Conference urges all States to participate actively in order to ensure a successful outcome. The Conference also

welcomes the Joint Ministerial Statement on the Treaty that was launched on 23 September 2004 at United Nations Headquarters with which 69 States associated themselves.

4. Reiterating that the Comprehensive Nuclear-Test-Ban Treaty constrains the development of nuclear weapons and their qualitative improvement, the Conference reaffirms that the Treaty combats both horizontal and vertical nuclear proliferation. The Conference is concerned that any development of new types of nuclear weapons may result in the resumption of tests and a lowering of the nuclear threshold. The Conference calls on all States to refrain from any action which would defeat the object and purpose of the Treaty, pending its entry into force.

5. The Conference underlines that existing moratoriums on nuclear-weapon-test explosions and any other nuclear test explosions must be maintained, pending the Treaty's entry into force. The Conference stresses, however, that such moratoriums cannot serve as a substitute for ratification and that only the Comprehensive Nuclear-Test-Ban Treaty offers the global community the prospect of a permanent and legally binding commitment to end nuclear testing.

6. The Conference welcomes the progress made by the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization in establishing the International Monitoring System, which will enable the verification of compliance with the Treaty at its entry into force.

NPT/CONF.2005/WP.10

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7 [Compliance and Verification]

Working paper for submission to Main Committee II by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden

1. The Conference stresses the important contribution of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) to worldwide security and its undoubted effectiveness in checking nuclear proliferation, and thus preventing the destabilization caused by nuclear arms races. The Conference underlines the importance of all States parties demonstrating strong commitment to the Treaty, not least in the face of the recent revelations of non-compliance.

2. The Conference expresses the understanding that the Treaty confers a set of interrelated and mutually reinforcing obligations and rights on States parties. Accountability is a key element of the Treaty regime, which can be made stronger and more transparent through adherence by all States parties to the strengthened safeguards system pursuant to article III of the Treaty, in order to provide assurances of compliance with article II. The Conference notes that meeting current and potential compliance challenges are key tasks for the NPT strengthened review process. These challenges pose a significant test for the Treaty, and need to be met firmly by upholding the Treaty's integrity and reinforcing the authority of the safeguards system of the International Atomic Energy Agency (IAEA). The Conference notes that intense international concern about nuclear weapons proliferation, including potentially to non-State actors, has added to the importance of the Treaty-based nuclear non-proliferation regime.

3. The Conference affirms the fundamental importance of full compliance with all the provisions of the Treaty, including with relevant Safeguards Agreements and relevant subsidiary arrangements. It notes that the integrity of the Treaty depends upon full respect by States parties for their obligations under the Treaty and deriving from the Treaty. The Conference reaffirms the statutory role of the Board of Governors and Director General of IAEA in relation to States' compliance with Safeguards Agreements, and underscores the importance of the Agency's access to

the Security Council and other relevant organs of the United Nations, particularly though not exclusively in cases of non-compliance. In this regard the Conference supports the Secretary-General's encouragement of the Security Council to regularly invite the Director General of IAEA to brief the Council on the status of safeguards and verification processes. The Conference recalls the role of the Security Council, in accordance with the Charter of the United Nations, in maintaining and restoring international peace and security. Noting that the Council, by its resolution 1540 (2004), has reconfirmed that the proliferation of nuclear weapons constitutes a threat to international peace and security, the Conference underscores the mandate of the Security Council to ensure and uphold compliance with the Treaty and with Safeguards Agreements, and to take appropriate measures in cases of non-compliance with the Treaty and with Safeguards Agreements when notified by IAEA of non-compliance.

4. The Conference notes that any State party which does not comply with its obligations under the Treaty isolates itself through its own actions from the benefits of constructive international relationships, and from the benefits which accrue from adherence to the Treaty, including, inter alia, from cooperation in the peaceful uses of nuclear energy, until it returns to full compliance.

5. The Conference reaffirms its conviction that IAEA safeguards provide assurance that States are complying with their non-proliferation undertakings, and provide the mechanism for States to demonstrate this compliance, and in this regard notes that the vast majority of States parties are in compliance with their Treaty obligations. The Conference further reaffirms that IAEA safeguards thereby promote further confidence among States and, being a fundamental element of the Treaty, help to strengthen their collective security and to build the confidence essential for enhanced nuclear cooperation among States. It is the conviction of the Conference that safeguards play a key role in preventing the proliferation of nuclear weapons and other nuclear explosive devices. Accordingly, IAEA safeguards, which play an indispensable role in ensuring the effective implementation of the Treaty, are an important, integral part of the international regime for nuclear non-proliferation.

6. The Conference calls for the universal application of IAEA safeguards in all States parties, in accordance with the provisions of the Treaty. The Conference notes that since the 2000 Review Conference, 15 further Comprehensive Safeguards Agreements pursuant to NPT have been brought into force, but expresses its deep concern that 39 States have yet to fulfil their respective obligations under the Treaty. The Conference therefore urges those States parties which have not yet done so to conclude such agreements. In addition, the Conference calls on all States to submit all their nuclear activities, both current and future, to IAEA safeguards.

7. The Conference notes that in order to draw well-founded safeguards conclusions, IAEA needs to receive early design information in accordance with the IAEA Board of Governors' 1992 interpretation, to determine whenever appropriate the status of any nuclear facilities, and to verify, on an ongoing basis, that all nuclear material in non-nuclear-weapon States is placed under safeguards. The Conference stresses the need for all non-nuclear-weapon States parties to provide this information to the Agency on a timely basis.

8. While recognizing the value of Comprehensive Safeguards Agreements based on IAEA document INFCIRC/153 (Corrected) in verifying the non-diversion of declared nuclear material, the Conference is conscious that such agreements provide

only a limited level of assurance regarding the absence of undeclared material and activities. The Conference therefore considers that it is necessary for Safeguards Agreements based on document INFCIRC/153 (Corrected) to be supplemented by Additional Protocols if IAEA, as the competent authority designated under article III of the Treaty to apply safeguards, is to conclude that there has been no diversion of declared nuclear material and to provide credible assurances that there is no evidence of undeclared nuclear material or activities in a State. The Conference fully endorses the measures contained in the Additional Protocol, noting that implementation of the Additional Protocol will provide increased confidence about a State's compliance with article II of the Treaty.

9. The Conference recalls that paragraph 1 of article III of the Treaty requires each non-nuclear-weapon State to accept safeguards, as set forth in an agreement to be negotiated and concluded with IAEA in accordance with its Statute and the Agency's safeguards system, and recognizes that the Agency's current safeguards system includes both the Comprehensive Safeguards Agreement and the Additional Protocol. Bearing in mind the recommendation by the High-level Panel on Threats, Challenges and Change, endorsed by the Secretary-General, with respect to the Additional Protocol to the IAEA Safeguards Agreement, the Conference affirms that the Comprehensive Safeguards Agreement, together with the Additional Protocol, now represents the verification standard pursuant to paragraph 1 of article III of the Treaty, and considers that States parties should demonstrate strict compliance with this standard in order to fulfil the obligations contained therein.

10. The Conference notes that seven years after the IAEA Board of Governors approved document INFCIRC/540 (Corrected), 90 States have signed Additional Protocols, and that Protocols are in force for 65 States. The Conference urges all States parties which have not yet done so to conclude and to bring into force Additional Protocols as soon as possible in conformity with paragraph 1 of article III of the Treaty. The Conference recognizes the need for IAEA to further facilitate and assist States parties in their working towards the conclusion and entry into force of Safeguards Agreements and Additional Protocols. In this regard the Conference welcomes the efforts of the IAEA secretariat and a number of IAEA member States to implement elements of a plan of action to encourage wider adherence to the safeguards system, including the promotion of universal adherence to the Additional Protocol and the organization of regional seminars.

11. The Conference welcomes the completion of the conceptual framework for integrated safeguards by IAEA, which will usher in a system for verification that is more comprehensive, flexible and effective than current mechanisms. The Conference welcomes the implementation by IAEA of integrated safeguards in six countries, including two with nuclear power plants. Attention needs to be drawn, however, to the fact that States parties must have both Comprehensive Safeguards Agreements and Additional Protocols in place for IAEA to be able to make full use of this improved safeguards system. Implementation of the integrated system can only proceed after Additional Protocols enter into force, and the IAEA is able to draw the safeguards conclusions essential to enable implementation.

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2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5 (Cooperation in the peaceful uses of nuclear energy)

Working paper for submission to Main Committee III by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden

1. The Treaty fosters the development of the peaceful uses of nuclear energy by providing a framework of confidence that is a precondition for those uses. The Conference expresses the view that, for the purposes of article IV of the Treaty, "nuclear energy" embraces both power and non-power applications. By aiming to ensure that nuclear materials and facilities do not contribute to nuclear proliferation, the Treaty creates the necessary environment for technological transfer and cooperation.

2. Nothing in the Treaty shall be interpreted as affecting the inalienable right of all the States parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III of the Treaty. The Conference recognizes that this right constitutes one of the fundamental objectives of the Treaty. States may choose individually not to exercise all their rights, or to exercise those rights collectively.

3. While maintaining an overall commitment to article IV of the Treaty, the Conference regards universal adherence to and compliance with the non-proliferation and verification requirements of the Treaty as a precondition for cooperation in the peaceful uses of nuclear energy. In this regard, universal adherence to the Additional Protocol to safeguard agreements is a requirement for a stable, open and transparent international security environment in which peaceful nuclear cooperation can take place.

4. The Conference considers that States parties should not engage in active nuclear cooperation with those States parties that are in non-compliance with the terms of their safeguard agreements with IAEA, as established by the IAEA Board of Governors. The Conference urges States parties to limit such cooperation to States that are in compliance with their obligations in this respect.

5. All States parties to the Treaty have undertaken to facilitate, and have the right to participate in, the fullest possible exchange of equipment, material, services, and scientific and technological information for the peaceful uses of nuclear energy in a safe and secure environment. The Conference notes the contribution that such uses can make to progress in general.

6. In all activities designed to facilitate the peaceful uses of nuclear energy, the Conference affirms that an INFCIRC/153 (Corrected) Safeguards Agreement, together with an Additional Protocol (INFCIRC/540 (Corrected)), represent the Agency's safeguards system pursuant to article III.1 of the Treaty.

7. The Conference underlines the essential role of IAEA in assisting developing States parties in the peaceful use of nuclear energy through the development of effective programmes aimed at improving their scientific, technological and regulatory capabilities.

8. The Conference commends the IAEA secretariat for its efforts to enhance the effectiveness and efficiency of the Agency's technical cooperation programme and to ensure the continuing relevance of the programme to the changing circumstances and needs of recipient IAEA member States. In this context, the Conference stresses the importance of technical cooperation in the current IAEA medium-term strategy, which seeks to promote major priorities of each country through model project standards and expanded use of country programme frameworks and thematic plans, as well as through ensuring Government commitment as a prerequisite for such cooperation. The Conference recommends that IAEA continue taking this objective and the needs of developing countries, notably least developed countries, into account when planning its future activities.

9. Technical cooperation activities can be properly assured in the long term only when the financial requirements for all statutory activities of IAEA are fully met. The Conference stresses the importance of IAEA resources for technical cooperation activities being assured, predictable and sufficient to meet objectives mandated by article IV, paragraph 2, of the Treaty and article II of the IAEA statute. It urges IAEA member States to make every effort to contribute to the Agency's Technical Cooperation Fund, as well as to honour their obligations to pay their assessed programme costs, as well as their national participation costs.

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2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5 [Approaches to the nuclear fuel cycle]

Working paper for submission to Main Committee III by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden

1. The Conference notes that the nuclear technologies of enrichment and reprocessing are usable both for peaceful purposes and for the production of fissile material for nuclear weapons. The Conference recognizes therefore that these nuclear technologies are of direct relevance to the objectives of the Treaty on the Non-Proliferation of Nuclear Weapons.

2. The Conference notes that, although various approaches to the nuclear fuel cycle have been extensively discussed, studied and researched in the past, several factors have contributed to the unprecedented contemporary relevance of this issue to the global nuclear non-proliferation regime. These factors include the prospect of States misusing the peaceful uses provisions of the Treaty to acquire the technical basis for a rapid "break-out" to nuclear weapons, as well as regional arms races, clandestine international nuclear procurement networks, increased problems with compliance with safeguards obligations and the avowed interest of terrorists in acquiring weapons of mass destruction. Another factor is growing interest in expanding the peaceful uses of nuclear energy, in particular with regard to the use of nuclear power. With increasing availability of the required technology, these trends are likely to persist in the future.

3. At the same time, the Conference recognizes that multilateral approaches to the nuclear fuel cycle should be complementary to the primary non-proliferation instruments of effective and universal implementation of IAEA safeguards, including the Additional Protocol, and effective export controls. Strengthening and implementing these primary instruments remains of paramount importance. In addition, multilateral approaches to the nuclear fuel cycle should be considered as complementary to other measures to reinforce the non-proliferation regime, such as

the Comprehensive Nuclear-Test-Ban Treaty and a possible fissile material cut-off treaty.

4. The Conference supports continuation of the current extensive international dialogue on nuclear fuel cycle issues in relevant international forums. In this context, the Conference commends the IAEA Director General for recognizing the need to address the issue by commissioning the report of the independent expert group on the theme "Multilateral approaches to the nuclear fuel cycle" (INFCIRC/640). The report is a welcome and valuable contribution to discussions of this important topic.

5. The Conference emphasizes that a multifaceted approach to the nuclear fuel cycle, which both reduces the risk that nuclear materials, equipment and technology might be diverted to military purposes and limits the existing global inventory of material directly usable in nuclear weapons and the capacity to produce the same, should be carefully considered. Such an approach could provide the benefits of cost effectiveness and economies of scale for whole regions, for smaller countries or for those with limited resources. In this respect, a non-discriminatory approach to assuring the supply of nuclear fuel and material for peaceful purposes should aim to maintain enrichment and reprocessing capacity globally at a level sufficient to meet international demand and to ensure commercial competitiveness. Such an approach should be developed with due regard to the inalienable right of States party to the Treaty on the Non-Proliferation of Nuclear Weapons to the peaceful uses of nuclear energy (article IV of the Treaty), in conformity with the non-proliferation provisions of the Treaty under articles I, II and III.

6. The objective of increasing non-proliferation assurances associated with the civilian nuclear fuel cycle, while preserving assurances of supply and services around the world, would be advanced by further exploration of issues and options relating, inter alia, to a step-by-step consideration of the five approaches to controlling access to the nuclear fuel cycle outlined in the report of the IAEA expert group.

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Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7 (Physical protection and illicit trafficking)

Working paper for submission to Main Committee II by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden

1. The Conference underlines the paramount importance of effective physical protection of nuclear material and nuclear facilities and the need for all States to maintain the highest standards of physical protection. The Conference also notes that Security Council resolution 1540 (2004) requires all States to establish appropriate controls over materials related to nuclear weapons and their means of delivery and, to that end, to develop and maintain appropriate effective physical protection measures.

2. In this context, the Conference welcomes new accessions to the Convention on the Physical Protection of Nuclear Material. The Conference notes that Security Council resolution 1373 (2001) calls on all States to accede to the Convention, and urges all States that have not yet done so to adhere to it and to apply, as appropriate, the recommendations on the physical protection of nuclear material and nuclear facilities contained in IAEA document INFCIRC/225/Rev.4 (Corrected) and other relevant international instruments at the earliest possible date. In particular, the Conference looks forward to the early conclusion of ongoing efforts to strengthen the Convention, including the adoption by a diplomatic conference this year of a well-defined amendment to that Convention, and encourages further work to universalize the Convention.

3. The Conference notes that continued and enhanced efforts are needed to provide for the full and effective implementation of the Convention. These efforts could be facilitated by the establishment of IAEA nuclear security guidelines and recommendations. The Conference therefore welcomes the stated intention of IAEA to establish a comprehensive set of nuclear security guidelines and recommendations, as called for by the International Conference on Nuclear Security: Global Directions for the Future, held in London in March 2005.

4. The Conference acknowledges the important contribution of IAEA in assisting States to meet appropriate security standards and calls on States to take full advantage of the Agency's advisory services in that regard.

5. The Conference notes that continued efforts to enhance the prevention of terrorist acts, as well as the physical protection and accountability of nuclear and other radioactive material in nuclear and non-nuclear use, and in storage and transport, throughout the life cycle, in a comprehensive and coherent manner, should be priorities for strengthening nuclear security.

6. The Conference welcomes the adoption by the IAEA Board of Governors of the Code of Conduct on the Safety and Security of Radioactive Sources, and supports the subsequent adoption by the Board of a comprehensive action plan for its implementation. The Conference welcomes the approval by the IAEA Board of Governors of Guidance on the Import and Export of Radioactive Sources under the Code and recalls that the General Conference has encouraged States to act in accordance with the Guidance on a harmonized basis. The Conference calls upon all States parties to make their political commitment to the Code and the Guidance under the Code.

7. The Conference notes with serious concern the recent revelations about illicit trade in highly sensitive nuclear equipment and technology, brought to the attention of IAEA member States by the Director General's reports to the Board of Governors. The Conference fully endorses the Director General's call for full cooperation from all IAEA member States in identifying the supply routes and sources of the technology, related equipment and nuclear and non-nuclear materials. The Conference recognizes the increased need for all States to reinforce their efforts to improve existing control mechanisms.

8. In this regard, the Conference notes that Security Council resolution 1540 (2004) requires all States to develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in nuclear weapon-related materials in accordance with their national legal authorities and legislation and consistent with international law.

9. The Conference welcomes the work of IAEA in support of efforts of States parties to combat illicit trafficking of nuclear materials and other radioactive substances. The Conference welcomes the efforts of IAEA to assist IAEA member States in strengthening their regulatory control on the applications of radioactive materials, including the Agency's proposed registering of sealed sources. The Conference also welcomes IAEA activities undertaken to provide for the enhanced exchange of information, including the continued maintenance of its illicit trafficking database. The Conference recognizes the need for enhanced coordination among States and among international organizations in preventing, detecting and responding to illicit trafficking in nuclear and other radioactive materials.

10. The Conference welcomes the findings and recommendations of the International Conference on Nuclear Security: Global Directions for the Future, and calls for the acceleration of efforts to develop and implement a fully effective global nuclear security framework based on prevention, detection and response.

11. The Conference emphasizes the leading role of IAEA in the global efforts to improve the global nuclear security framework and to promote its implementation. In continuing and strengthening that function, IAEA should take an active role to facilitate effective cooperation and coordination at the international and regional levels.

12. The Conference welcomes the establishment of the Global Threat Reduction Initiative, and welcomes the outcomes of its Partners Conference held in Vienna in September 2004 with the purpose of building international support for national programmes on nuclear and radiological threat reduction.

13. The Conference notes that article III of the Treaty is designed to detect and prevent the diversion of nuclear material, equipment and technology. This relates to diversion not only at the State level, but also diversion to individuals or subnational groups. The Conference notes, in this regard, that physical protection and measures to combat illicit trafficking are parts of a national system of nuclear security, the existence of which should be made a precondition for transfers of nuclear material, sensitive equipment or technology.

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Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7 [Export Controls]

Working Paper for submission to Main Committee II by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway, and Sweden

1. The Conference reaffirms that each State party to the Treaty has undertaken not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material is subject to the safeguards required by article III of the Treaty.

2. The Conference urges all States parties to ensure that their nuclear-related exports to non-nuclear-weapon States do not assist the development of nuclear weapons or other nuclear explosive devices. The Conference reiterates that no State party should transfer any nuclear-related items to any recipient whatsoever, unless the transfer is in full conformity with the objectives and purposes of the Treaty as stipulated, particularly in articles I, II, III and IV. In this context the Conference emphasizes the need to promote understanding among all States parties that nuclear-export controls are a legitimate, necessary and desirable means of implementing States parties' obligations under article III of the Treaty, in order not to contribute to a nuclear explosive activity, an unsafeguarded nuclear fuel cycle activity, or acts of nuclear terrorism.

3. In this regard the Conference notes that Security Council resolution 1540 (2004), adopted on 28 April 2004, requires all States to take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear weapons, including by establishing and maintaining appropriate effective national export and trans-shipment controls over nuclear-weapon-related items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export.

4. The Conference underlines that effective export controls are also central to cooperation in the peaceful uses of nuclear energy, which depends on the existence of a climate of confidence about non-proliferation. In this respect the Conference notes the clear relationship between the non-proliferation obligations in articles I, II and III and the peaceful uses objectives of article IV of the Treaty. In this context the Conference reaffirms that nothing in the Treaty should be interpreted as affecting the inalienable right of all States party to the Treaty to develop research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with articles I, II and III of the Treaty. The Conference notes the complementary and important role of national export control mechanisms in giving effect to States parties' obligations, under articles I, II and III, not to contribute to the proliferation of nuclear weapons; and recognizes that such controls are intended to provide an environment of confidence for international cooperation in the peaceful uses of nuclear energy. The Conference notes similarly that recipient States have an obligation to exercise appropriately stringent controls to prevent proliferation.

5. The Conference notes that a number of States parties meet regularly in an informal group known as the Zangger Committee, in order to coordinate their implementation of article III, paragraph 2, of the Treaty concerning the supply of nuclear material and equipment. To this end, these States parties have adopted certain Understandings, including a list of items triggering the International Atomic Energy Agency (IAEA) safeguards, for their exports to non-nuclear-weapon States not parties to the Treaty, as set forth in IAEA document INFCIRC/209 as amended. The Zangger Committee's Understandings also relate to exports to non-nuclear-weapon States party to the Treaty, insofar as the recipient State should recognize the items on the trigger list as well as the procedures and criteria from article III, paragraph 2, of the Treaty as a basis for its own export control decisions, including re-exports.

6. The Conference endorses the importance of the Zangger Committee as guidance for States parties in meeting their obligation under article III, paragraph 2, of the Treaty and invites all States to adopt the Understandings of the Zangger Committee in connection with any nuclear cooperation.

7. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation, in accordance with article III, paragraph 2, of the Treaty, be reviewed from time to time to take into account advances in technology, the proliferation sensitivity and changes in procurement practices. In this regard, the Conference takes note of the ongoing work in the Zangger Committee for reviewing the Understandings to take account of developments in the Treaty review process.

8. The Conference notes that a number of States parties have informed IAEA that they cooperate on a voluntary basis through guidelines for their nuclear-related exports (INFCIRC/254 as amended). The Conference notes the important and useful role the Nuclear Suppliers Group can play in guiding States in setting up their national export control policies.

9. The Conference recommends that transparency in export controls should continue to be promoted within a framework of dialogue and cooperation among all interested States party to the Treaty.

10. The Conference reaffirms that supply arrangements for the transfer of source or special fissionable material, or equipment or material especially designed or prepared for the processing, use, or production of special fissionable material, to non-nuclear-weapon States should require, as a necessary precondition, acceptance of full-scope IAEA safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices. The Conference urges those supplier States that have not yet done so to require such conditions without delay.

11. Noting that all non-nuclear-weapon States party to the Treaty have a legal obligation under article III to accept safeguards stipulated under the Treaty on the Non-Proliferation of Nuclear Weapons, and also noting that an INFCIRC/153 (Corrected) Safeguards Agreement together with an Additional Protocol (INFCIRC/540 (Corrected)) now represents the verification standard for Treaty safeguards, the Conference confirms that this verification standard should be a condition for new supply arrangements to non-nuclear-weapon States. The Conference recognizes the importance of the provisions of the Additional Protocol related to reporting to IAEA on the export and import of nuclear-related equipment.

12. The Conference notes that article III of the Treaty is designed to detect and prevent the diversion of nuclear material, equipment and technology. This relates both to diversion at the State level, and to diversion to individuals or subnational groups. The Conference affirms, therefore, that transfers of nuclear material, sensitive equipment or technology should only take place if the recipient State has in place an effective and adequate national system of nuclear security. This system comprises Treaty-related IAEA safeguards, an adequate system of physical protection, a minimum set of measures to combat illicit trafficking, and rules and regulations for appropriate export controls in case of retransfers.

13. While the responsibility to establish and implement such a system rests with the concerned State, supplying States parties have the responsibility to seek assurance that such a system is in place in the recipient State as a necessary precondition for nuclear supplies.

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Multilateral nuclear supply principles of the Zangger Committee

Working paper submitted by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America as members of the Zangger Committee

Introduction

1. Previous review conferences of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), when reviewing the implementation of the Treaty in the area of export controls, have repeatedly noted the role of the Zangger Committee. The Committee, also known as the "NPT Exporters Committee", essentially contributes to the interpretation of article III, paragraph 2, of the Treaty and thereby offers guidance to all parties to the Treaty. The Committee and its work were mentioned in final documents or in Committee reports of review conferences from 1975, 1985, 1990, 1995 and 2000.

2. The purpose of this paper is to describe the work of the Zangger Committee in order to provide better insight into the Committee's objectives. Furthermore, it is consistent with one of the calls of the 1995 Review and Extension Conference of the Parties to the Treaty, which in paragraph 17 of its decision on "Principles and objectives for nuclear non-proliferation and disarmament" stated that "transparency in nuclear export controls should be promoted within the framework of dialogue and cooperation among all interested States party to the Treaty".

3. Attached to this paper are the statements of previous NPT review conferences referring to the Zangger Committee.

Zangger Committee

Article III, paragraph 2

4. Article III, paragraph 2 of the NPT performs a vital function in helping to ensure the peaceful use of nuclear material and equipment. Specifically, it provides:

> "Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use, or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this article."

5. The main significance of this paragraph is that parties to the Treaty should not export, directly or indirectly, nuclear material and equipment or material especially designed or prepared for the processing, use, or production of special fissionable material to non-nuclear-weapon States not parties to the NPT unless the export is subject to International Atomic Energy Agency (IAEA) safeguards as required by article III. This is an important provision because recipient countries not parties to the Treaty may not have accepted any other nuclear non-proliferation obligations. By interpreting and implementing article III, paragraph 2, the Zangger Committee helps to prevent the diversion of exported nuclear material and equipment or material from peaceful purposes to nuclear weapons or other nuclear explosive devices, which furthers the objectives of the Treaty and enhances the security of all States.

6. The Zangger Committee understandings, in line with article III, paragraph 2, also relate to exports to non-nuclear-weapon States parties to the Treaty insofar as the recipient should recognize the items on the trigger list as a basis for its export control decisions in the case of re-exports.

Zangger Committee understandings

7. Between 1971 and 1974 a group of 15 States — some already parties to the Treaty, others prospective parties — held a series of informal meetings in Vienna chaired by Professor Claude Zangger of Switzerland. As suppliers or potential suppliers of nuclear material and equipment, their objective was to reach a common understanding on:

(a) The definition of what constituted "equipment or material especially designed or prepared for the processing, use or production of special fissionable material" (as it was not defined anywhere in the Treaty);

(b) The conditions and procedures that would govern exports of such equipment or material in order to meet the obligations of article III, paragraph 2 on a basis of fair commercial competition.

8. The group, which came to be known as the Zangger Committee, decided that its status was informal and that its decisions would not be legally binding upon its members.

9. In 1972, the Committee reached consensus on basic "understandings" contained in two separate memorandums. Together, these memorandums form the guidelines of the Zangger Committee today. Each memorandum defines and provides for procedures for the export of materials and equipment described in article III, paragraph 2. The first memorandum concerns source and special fissionable material (article III, paragraph 2 (a)), the second, equipment and material especially designed or prepared for the processing, use or production of special fissionable material (article III, paragraph 2 (b)).

10. The consensus which formed the basis of the Committee's understandings was formally accepted by individual States members of the Committee by an exchange of notes among themselves. These amounted to unilateral declarations that the understandings would be given effect through respective domestic export control legislation. In parallel with this procedure, most member States wrote identical letters to the Director General of IAEA informing him of their decision to act in conformity with the conditions set out in the understandings. These letters also asked the Director General to communicate their decision to all States members of the Agency, which he did through an information circular dated 3 September 1974 (IAEA document INFCIRC/209).

11. Memorandum A defines the following categories of nuclear material:

(a) Source material: natural or depleted uranium and thorium;

(b) Special fissionable material: plutonium-239, uranium-233, uranium enriched in the isotopes 235 or 233.

12. Memorandum B, as clarified since 1974 (see paras. 16 and 17 below), contains plants, equipment and, as appropriate, material in the following categories: nuclear reactors, non-nuclear materials for reactors, reprocessing, fuel fabrication, uranium enrichment, heavy water production, and conversion.

13. To fulfil the requirements of article III, paragraph 2, the Zangger Committee understandings contain three basic conditions of supply for these items:

(a) For exports to a non-nuclear-weapon State not party to the Treaty, source or special fissionable material either directly transferred, or produced, processed, or used in the facility for which the transferred item is intended, shall not be diverted to nuclear weapons or other nuclear explosive devices;

(b) For exports to a non-nuclear-weapon State not party to the Treaty, such source or special fissionable material, as well as transferred equipment and non-nuclear material, shall be subject to safeguards under an agreement with the IAEA;

(c) Source or special fissionable material, and equipment and non-nuclear material shall not be re-exported to a non-nuclear-weapon State not party to the Treaty unless the recipient State accepts safeguards on the re-exported item.

Development of the conditions of supply

14. The Committee is holding discussions on possible amendments to its understandings during which it is considering a number of potential elements as conditions of supply, among which are: (a) full-scope safeguards; (b) the Additional Protocol; (c) physical protection as a condition of supply; and (d) "Supporting

Activities", containing commitments to, inter alia, (i) assist other States parties in establishing and implementing national rules and regulations on nuclear transfers, and (ii) support IAEA in its safeguards task in accordance with repeated calls by review conferences. The Committee would welcome the Conference's continued support for its efforts.

"Trigger list" and its clarification

15. The two memorandums (see paras. 9-12 above) became known as the "trigger list", since the export of listed items "triggers" IAEA safeguards. In other words, as described above, they will be exported only if (a) the transferred equipment or source or special fissionable material or (b) the material produced, processed or used in the facility for which the item is supplied, is subject to safeguards under an agreement with IAEA based on the IAEA safeguards system for NPT purposes.

16. Attached to the trigger list is an annex "clarifying", or defining, the equipment and material of memorandum B in some detail. The passage of time and successive developments in technology have meant that the Committee is periodically engaged in considering possible revisions to the trigger list, and the original annex has thus become increasingly detailed. To date, eight clarification exercises have taken place. Clarifications are conducted on the basis of consensus, using the same procedure followed in the adoption of the original understandings.

17. A summary of these clarifications reflects both some detail on the contents of the trigger list and an idea of the work of the Zangger Committee (dates are for publication of modifications and revisions of INFCIRC/209):

(a) In **December 1978**, the annex was updated to add heavy water production plants and equipment, and a few specific items of isotope separation equipment for uranium enrichment;

(b) In **February 1984**, further detail was added to the annex to take account of technological developments during the preceding decade in the area of uranium enrichment by the gas centrifuge process;

(c) In **August 1985**, a similar clarification was made to the annex section on irradiated fuel reprocessing;

(d) In **February 1990**, the uranium enrichment section was further elaborated by the identification of items of equipment used for isotope separation by the gaseous diffusion method;

(e) In **May 1992**, specific items of equipment were added to the section on heavy water production;

(f) In **April 1994**, the enrichment section of the annex was subject to its most significant expansion yet. Existing portions of the section were updated, and detailed lists of equipment were added for the enrichment processes of aerodynamic, chemical and ion exchange, laser-based plasma, and electromagnetic separation. A significant modification was also made to the entry for primary coolant pumps;

(g) In **May 1996**, the sections on reactors and reactor equipment, on non-nuclear materials, on the fabrication of fuel elements as well as on heavy water production were reviewed. Parts of these sections were updated and new, detailed equipment was added;

(h) In **March 2000**, a new section on uranium conversion was added. This section also contains elements transferred from section 3 (reprocessing).

All these changes to the list were included in the version of the Zangger Committee understandings published as IAEA document INFCIRC/209/Rev.2.

Membership

18. All Zangger Committee members are parties to the Treaty that are capable of supplying trigger list items. Currently there are 35 members (Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States). The Commission of the European Union attends the meetings as permanent observer. Any party that is an actual or potential nuclear supplier and is prepared to implement the Committee's understandings is eligible for membership. Decisions to invite new members of the Committee are taken by consensus of existing members. In the interest of strengthening the Treaty and the nuclear non-proliferation regime in general, Zangger Committee members have urged parties to the Treaty that are nuclear suppliers to consider seeking membership. NPT parties interested in doing so should visit the Committee's website (www.zanggercommittee.org) and may contact the Secretariat (the United Kingdom Mission in Vienna) or any State member of the Committee.

Outreach

19. Late in 2001, the Zangger Committee decided to launch an outreach programme between the Zangger Committee and third countries. The outreach programme has three objectives:

(a) To build a strong and sustainable relationship between the Zangger Committee and third countries;

(b) To increase the transparency of the activities of the Committee by explaining its role, purpose and functions, in particular its role as technical interpreter of article III, paragraph 2 of the Treaty;

(c) To provide opportunities for open dialogue on issues of common interest and concern on non-proliferation and nuclear export controls.

In conducting this exercise, the Zangger Committee wishes to underline that (a) the outreach programme reflects the fact that the Committee is a technical body with a remit to interpret article III, paragraph 2 of the Treaty and as such outreach will not be a political dialogue; (b) the programme is restricted to States parties to the Treaty; and (c) the programme is informal.

Subjects for discussion include:

- The role and purpose of the Zangger Committee
- The trigger list and its clarification
- Conditions of supply
- Membership of the Committee
- The Committee and NPT conferences.

Zangger Committee and NPT conferences

20. At the first NPT Review Conference in 1975, a brief paragraph in the Final Document referenced the work of the Zangger Committee without naming it. Paraphrasing, this paragraph stated that, with regard to implementation of article III, paragraph 2, the Conference noted that a number of nuclear suppliers had adopted certain minimum requirements for IAEA safeguards in connection with their nuclear exports to non-NPT non-nuclear-weapon States. The Conference went on to attach particular importance to the fact that those suppliers had established as a supply condition an undertaking of non-diversion to nuclear weapons.

21. In 1980, the Review Conference produced no consensus final document. However, in 1985, the Final Document contained a short reference to the Committee's activities, again without naming it. This time the Conference in effect endorsed the main activity of the Zangger Committee by indicating that further improvement of the trigger list should take account of advances in technology.

22. In 1990 the Zangger Committee was mentioned by name and the Conference provided a brief description of its aims and practices. While the Conference did not adopt a final declaration, Main Committee II agreed on language pertaining to a number of ideas and proposals concerning the implementation of the Treaty in the areas of the non-proliferation of nuclear weapons and safeguards. Main Committee II observed that Zangger Committee members had met regularly to coordinate the implementation of article III, paragraph 2 and had adopted nuclear supply requirements and a trigger list. It recommended that this list be reviewed periodically to take into account advances in technology and changes in procurement practices, a recommendation that the Zangger Committee has continued to pursue. Main Committee II also urged all States to adopt the Zangger Committee's requirements for any nuclear cooperation with a non-nuclear-weapon State not party to the Treaty.

23. At the 1995 NPT Review and Extension Conference, the work of the Zangger Committee was also referenced in Main Committee II and, more specifically, in the working group established by Main Committee II to consider export control issues. While the Conference did not adopt a final declaration similar to those of previous conferences, a consensus text on the Zangger Committee was attained. (The unofficial text emerging from this exercise was subsequently published in IAEA document INFCIRC/482 for information purposes.) The working group noted that a number of States suppliers had formed an informal group known as the Zangger Committee and had adopted certain understandings. It invited States to consider applying those understandings and recommended that the list of items and the procedures for implementation be reviewed from time to time. The working group

further noted that the application by all States of the understandings of the Zangger Committee would contribute to the strengthening of the non-proliferation regime. At the same time it called for international consultations among all interested States.

24. The Conference approved, inter alia, decision 2, which contains a set of principles and objectives, and decision 3, which provides the basis for the adopted "Enhanced Review Mechanism" of the implementation of the Treaty.

25. Decision 2 contains several principles of particular relevance to the work of the Zangger Committee, in the fields of safeguards and export controls (see annex II to this paper, principles 9 to 13). In particular, principle 17 calls upon all States to promote transparency in nuclear-related export controls through cooperation and dialogue. Members of the Committee have worked to promote transparency through international seminars and other forms of dialogue.

26. At the 2000 Review Conference, export control issues were discussed by an informal, open-ended working group established by Main Committee II. The working group did not reach final agreement on a text mentioning the Zangger Committee. In the end, only two paragraphs of the Final Document referenced indirectly the work of the Zangger Committee without naming it: the Conference recommended that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time, and it requested that any supplier arrangement should be transparent.

27. The statements of review conferences on the Zangger Committee are attached as annex I to this working paper.

Annex I

References to Zangger Committee activities in NPT Review Conference documents

First NPT Review Conference (1975)

A paragraph in the Final Document referenced the work of the Zangger Committee without naming it:

> "With regard to the implementation of article III (2) of the Treaty, the Conference notes that a number of states suppliers of material or equipment have adopted certain minimum, standard requirements for IAEA safeguards in connection with their exports of certain such items to non-nuclear-weapon states not party to the Treaty (IAEA document INFCIRC/209 and addenda). The Conference attaches particular importance to the condition, established by those states, of an undertaking of non-diversion to nuclear weapons or other nuclear explosive devices, as included in the said requirements" (NPT/CONF.35/I, annex I, p. 3).

Third NPT Review Conference (1985)

The 1980 NPT Review Conference produced no final document, but the 1985 Final Document contained a reference to the Committee without naming it:

> "The Conference believes that further improvement of the list of materials and equipment which, in accordance with article III (2) of the Treaty, calls for the application of IAEA safeguards should take account of advances in technology" (NPT/CONF.III/64/I, annex I, p. 5, para. 13).

Fourth NPT Review Conference (1990)

While the Conference did not adopt a final document, Main Committee II did agree on a number of ideas and proposals, including the following language on the Zangger Committee:

> "The Conference notes that a number of States parties engaged in the supply of nuclear material and equipment have met regularly as an informal group which has become known as the Zangger Committee in order to coordinate their implementation of article III, paragraph 2. To this end, these states have adopted certain requirements, including a list of items triggering IAEA safeguards, for their export to non-nuclear-weapon States not party to the treaty, as set forth in the IAEA document INFCIRC/209 as revised. The Conference urges all States to adopt these requirements in connection with any nuclear cooperation with non-nuclear-weapon states not party to the Treaty. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time to take into account advances in technology and changes in procurement practices. The Conference recommends the States parties to consider further ways to improve the measures to prevent diversion of nuclear technology for nuclear

> weapons, other nuclear explosive purposes or nuclear weapon capabilities. While recognizing the efforts of the Zangger Committee in the non-proliferation regime, the Conference also notes that items included in the 'trigger list' are essential in the development of nuclear energy programmes for peaceful uses. In this regard, the Conference requests that the Zangger Committee should continue to take appropriate measures to ensure that the export requirements laid down by it do not hamper the acquisition of such items by states parties for the development of nuclear energy for peaceful uses" (NPT/CONF.IV/DC/1/Add.3 (a), p. 5, para. 27).

NPT Review and Extension Conference (1995)

While the Conference did not adopt a final declaration similar to those of previous conferences, Main Committee II and its subsequent working group did agree on a number of ideas and proposals, including the following language on the Zangger Committee, which reached informal consensus in the working group of Main Committee II and was separately published in IAEA document INFCIRC/482:

> "The Conference notes that a number of States Parties engaged in the supply of nuclear material and equipment have met regularly as an informal group known as the Zangger Committee. These States have adopted certain understandings, including a list of items triggering IAEA safeguards, for their export to non-nuclear-weapon States not parties to the Treaty, as set forth in IAEA document INFCIRC/209, as amended. The Conference invites all States to consider applying these understandings of the Zangger Committee in connection with any nuclear cooperation with non-nuclear-weapon States not parties to the Treaty. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time to take into account advances in technology and changes in procurement practices."
>
> "The Conference notes that the application by all States of the understandings of the Zangger Committee would contribute to the strengthening of the non-proliferation regime. The Conference calls for wider participation in international consultations among all interested States parties concerning the formulation and review of such guidelines, which relate to the implementation of States parties obligations under article III, paragraph 2" (INFCIRC/482, attachment, paras. 5 and 7).

The Conference adopted in decision 2 a number of principles and objectives related to safeguards and export controls, which are reproduced in annex II below.

Sixth NPT Review Conference (2000)

Main Committee II and its working group discussed a number of ideas and proposals, including the following language on the Zangger Committee, without reaching final agreement:

> "The Conference notes that a number of States parties engaged in the supply of nuclear material and equipment have met regularly as an informal group known as the Zangger Committee, in order to coordinate their

> implementation of article III, paragraph 2 of the Treaty. To this end, these States have adopted certain understandings, including a list of items triggering IAEA safeguards, for their export to non-nuclear-weapon States not parties to the Treaty, as set forth in IAEA document INFCIRC/209 as amended. The Conference invites all States to adopt the understandings of the Zangger Committee in connection with any nuclear cooperation with non-nuclear-weapon States not parties to the Treaty."

In the Final Document, two paragraphs referenced indirectly the work of the Zangger Committee without naming it:

> "52. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation, in accordance with article III (2), be reviewed from time to time to take into account advances in technology, the proliferation sensitivity, and changes in procurement practices.
>
> "53. The Conference requests that any supplier arrangement should be transparent and should continue to take appropriate measures to ensure that the export guidelines formulated by them do not hamper the development of nuclear energy for peaceful uses by States parties, in conformity with articles I, II, III, and IV of the Treaty."

Annex II

Principles and objectives related to safeguards and export controls, as contained in decision 2 of the 1995 NPT Review and Extension Conference

Safeguards

9. The International Atomic Energy Agency is the competent authority responsible to verify and assure, in accordance with the statute of the Agency and the Agency's safeguards system, compliance with its safeguards agreements with States parties undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Nothing should be done to undermine the authority of the International Atomic Energy Agency in this regard. States parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by the States parties should direct such concerns, along with supporting evidence and information, to the Agency to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate.

10. All States parties required by article III of the Treaty to sign and bring into force comprehensive safeguards agreements and which have not yet done so should do so without delay.

11. International Atomic Energy Agency safeguards should be regularly assessed and evaluated. Decisions adopted by its Board of Governors aimed at further strengthening the effectiveness of Agency safeguards should be supported and implemented and the Agency's capability to detect undeclared nuclear activities should be increased. Also, States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should be urged to enter into comprehensive safeguards agreements with the Agency.

12. New supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require, as a necessary precondition, acceptance of the Agency's full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

13. Nuclear fissile material transferred from military use to peaceful nuclear activities should, as soon as practicable, be placed under Agency safeguards in the framework of the voluntary safeguards agreements in place with the nuclear-weapon States. Safeguards should be universally applied once the complete elimination of nuclear weapons has been achieved.

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2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Working paper on article X (NPT withdrawal) submitted by Australia and New Zealand

Introduction

The possibility of a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) building a capacity for rapid breakout to nuclear weapons and then withdrawing from the Treaty has existed since the inception of the Treaty. The Treaty addresses this risk by strictly limiting the circumstances in which withdrawal is possible. According to article X of the Treaty, a party to the Treaty seeking to withdraw is required to have determined that "... extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country". To underline the seriousness of any proposed withdrawal, article X requires that notice of withdrawal be given not only to all other Parties, but also to the Security Council.

Agreement by the Review Conference of some common understandings on withdrawal from the Treaty would assist with ensuring a prompt and appropriate international response in any further cases. It is not proposed that the withdrawal provisions of NPT be altered in any way. The intention is to support better use of existing provisions and structures.

NPT parties should not be able to evade their commitments under the Treaty by withdrawal. International law applying in cases of treaty withdrawal should be affirmed in the context of NPT. In particular, article 70 of the Vienna Convention on the Law of Treaties provides that withdrawal from a treaty does not absolve a party from performing any obligations that accrued prior to a valid exercise of its right to withdraw.

An NPT party that withdraws from the Treaty should not be able to use nuclear items acquired for peaceful purposes while the party was subject to the non-proliferation assurance of NPT membership. NPT parties should confirm that nuclear materials, equipment and technology acquired by a State on the basis that they would be used for peaceful purposes remain subject to peaceful use obligations even if a State withdraws from the NPT. In accordance with article III of the Treaty, no party should supply nuclear items to a State that has withdrawn. Parties should also be vigilant not to supply to such a State dual-use items that could advance its nuclear programme.

Intergovernmental agreements on transfers for the peaceful uses of nuclear energy should forbid the use of nuclear materials, equipment and technology subject to such agreements if the recipient withdraws from the NPT. This same condition should apply also to nuclear materials, equipment and technologies produced from, or with the help of, nuclear materials, equipment and technology originally transferred. Intergovernmental nuclear transfers agreements should require that, in cases of NPT withdrawal nuclear materials, equipment and technology would be returned to the supplier State, rendered inoperable or dismantled under international verification.

Withdrawal from the Treaty cannot be an avenue for NPT parties to avoid international accountability for violations committed while a party to the Treaty. In view of the seriousness of any NPT withdrawal and the potential threat to international peace and security, it would be appropriate for the Security Council to convene automatically and immediately when any State gives notice of NPT withdrawal. There would also be merit in convening an extraordinary meeting between the States parties to the Treaty to consider any case of withdrawal.

Such a meeting of the Security Council could, inter alia, set out the conditions that would apply in the event that a notified withdrawal proceeds. Swift and decisive action by the Security Council in the case of NPT withdrawals has been identified by the Director General of the International Atomic Energy Agency (IAEA) as an essential step to strengthen the NPT.

The importance of this issue was recognized by the United Nations High-level Panel on Threats, Challenge and Change, appointed by the Secretary-General, which concluded in its December 2004 report that NPT parties that withdraw "... should be held responsible for violations committed while still a party to the Treaty". The High-level Panel recommended that a State's notice of withdrawal "... should prompt immediate verification of its compliance with the Treaty, if necessary mandated by the Security Council" (A/59/565, para. 34).

Proposed language of the Final Document

The Conference stresses that NPT withdrawal is not a means for States that violate their Treaty obligations to avoid being held accountable for such breaches, in accordance with the responsibilities of the Security Council and, where appropriate, the Board of Governors of IAEA. The Conference considers that any notice of withdrawal should prompt immediate verification of the State's compliance with the Treaty, if necessary mandated by the Security Council.

The Conference considers any notice of withdrawal from the Treaty to be potentially an issue of fundamental importance to international peace and security, warranting immediate, automatic consideration by the Security Council and appropriate action by the Security Council. Provision might also be made to convene an extraordinary meeting of NPT States parties. Consistent with the international legal principles applying to treaties, the Conference affirms that withdrawal from the Treaty does not absolve a State party from meeting obligations it had not met at the time of withdrawal. The Conference stresses that nuclear materials, equipment and technology acquired by a State on the basis that they would be used for peaceful purposes remain subject to peaceful use obligations even if a State withdraws from the Treaty.

The Conference urges nuclear suppliers to include in intergovernmental agreements on transfers for the peaceful uses of nuclear energy a clause forbidding the use of nuclear materials, equipment and technology subject to such agreements, if the recipient withdraws from NPT.

This same condition should apply to nuclear materials, equipment and technologies produced from, or with the help of, nuclear materials, equipment and technology originally transferred. Such intergovernmental agreements should require that in cases of NPT withdrawal nuclear materials, equipment and technology be returned to the supplier State, rendered inoperable or dismantled under international verification. The Conference underlines that, in accordance with article III of the Treaty, no party should supply nuclear items to a State that has withdrawn. Parties should also be vigilant not to supply to such a State dual-use items that could advance its nuclear programme.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Procedural and other arrangements for the effective and successful outcome of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper presented by the members of the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

1. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons recalls that the Preparatory Committee for the 2005 Review Conference was mandated and tasked to undertake the following:

(a) Consider specific matters of substance relating to the implementation of the Treaty and decisions 1 and 2, as well as the resolution on the Middle East adopted in 1995, and the outcomes of subsequent Review Conferences, including developments affecting the operation and purpose of the Treaty. (Final document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons);

(b) At its third and, as appropriate, fourth session, the Preparatory Committee, taking into account the deliberations and results of its previous sessions, should make every effort to produce a consensus report containing recommendations to the Review Conference. (Final document of the 2000 Review Conference);

(c) The States parties agreed that the procedural arrangements for the Review Conference should be finalized at the last session of the Preparatory Committee. (Final document of the 2000 Review Conference);

(d) The Conference agrees that legally binding security assurances by the five nuclear-weapon States to the non-nuclear-weapons States parties to the Treaty on the Non-Proliferation of Nuclear Weapons strengthen the nuclear non-proliferation regime. The Conference calls upon the Preparatory Committee to make recommendations to the 2005 Review Conference on this issue. (Final document of the 2000 Review Conference);

(e) The establishment of such subsidiary bodies would be recommended by the Preparatory Committee for each Review Conference in relation to the specific objectives of the Review Conference. (Final document of the 2000 Review Conference and decision 1, "Strengthening the Review Process for the Treaty" adopted in 1995).

2. In the context of the above-mentioned tasks and mandates, the Group of Non-Aligned States parties to the Treaty calls for:

(a) An agreement on item 16 of the provisional agenda of the Review Conference, which would be as follows:

> "Review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, taking into account the Decisions and the Resolution adopted by the 1995 Review and Extension Conference and the Final documents of the 1975, 1985 and 2000 Review Conferences";

(b) An agreement on the establishment of subsidiary bodies, in accordance with rule 34 of the draft rules of procedure for the 2005 Review Conference, to consider, respectively, issues related to nuclear disarmament, security assurances and regional issues, with particular reference to the 1995 resolution on the Middle East.

3. The Group of Non-Aligned States parties to the Treaty furthermore calls on the Review Conference to:

(a) Consider the further strengthening or enhancement of the review process, including with regard to new institutions of the Treaty;

(b) The further strengthening or enhancement of the regular reporting mechanism provided for in accordance with the Final document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;

(c) Consider the steps and other actions that could be undertaken to promote disarmament and non-proliferation education, with particular reference to the Treaty;

(d) Support the recommendation of the third session of the Preparatory Committee regarding the participation of non-governmental organizations.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Substantive issues to be considered by Main Committee I of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper presented by the members of the Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Nuclear disarmament

1. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons emphasizes that the Treaty is a key instrument in the efforts to halt the vertical and horizontal proliferation of nuclear weapons and an essential foundation for the pursuit of nuclear disarmament.

2. The Group of Non-Aligned States parties to the Treaty remains deeply concerned by strategic defence doctrines that set out the rationales for the use of nuclear weapons, as demonstrated by the recent policy review by one of the nuclear-weapon States to consider expanding the circumstances in which these weapons could be used.

3. The Group of Non-Aligned States parties to the Treaty reiterates its call for a full implementation of the unequivocal undertaking given by the nuclear-weapon States at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament. That undertaking should be demonstrated without delay through an accelerated process of negotiations and through the full implementation of the 13 practical steps to advance systematically and progressively towards a nuclear-weapon-free world as agreed to at the 2000 Review Conference.

4. The Group of Non-Aligned States parties to the Treaty deeply regrets the continued inflexible postures of some nuclear-weapon States that have prevented the Conference on Disarmament from establishing an ad hoc committee on nuclear disarmament. The negotiation of a phased programme for the complete elimination of nuclear weapons with a specified time frame, including a nuclear weapons convention, is necessary and should commence without delay. In that regard, the

Group reiterates its call to establish, as soon as possible, and as the highest priority, an ad hoc committee on nuclear disarmament.

5. The Group remains concerned by the continued inability of the Conference on Disarmament to resume its negotiation of a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile materials for nuclear weapons and other explosive devices, taking into account both nuclear disarmament and non-proliferation objectives. In this context, the Conference on Disarmament is urged to agree a programme of work that includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years. The Group is also concerned by attempts to limit the scope of the negotiations on a fissile material treaty as contained in the statement of the Special Coordinator in 1995 and the mandate contained therein, which was endorsed at both the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the 2000 Review Conference.

6. The Group of Non-Aligned States parties to the Treaty remains deeply concerned by the lack of progress towards achieving the total elimination of nuclear weapons despite some reports of bilateral and unilateral reductions. The Group is also concerned by the existence and continued deployment of tens of thousands of such weapons, whose exact number remains unconfirmed, owing to the lack of transparency in various nuclear weapons programmes. While noting the signing of the Treaty between the United States of America and the Russian Federation on Strategic Offensive Reduction on 24 May 2002, the Group stresses that reductions in deployments and in operational status cannot take the place of irreversible cuts in, and the total elimination of, nuclear weapons. The non-entry into force of START II is a setback to the 13 practical steps in the field of nuclear disarmament adopted at the 2000 Review Conference. In that regard, the Group calls for the application of the principles of irreversibility and increased transparency by the nuclear-weapon States regarding nuclear disarmament and nuclear and other related arms control and reduction measures.

7. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons believes that the abrogation of the Treaty on the Limitation of Anti-Ballistic Missile Systems has brought new challenges to strategic stability and the prevention of an arms race in outer space. The Group remains concerned that the implementation of a national missile defence system could trigger an arms race or arms races, the further development of advanced missile systems and an increase in the number of nuclear weapons. In accordance with General Assembly resolution 59/65, the Group emphasizes the urgent need for the commencement of substantive work, at the Conference on Disarmament, on the prevention of an arms race in outer space.

8. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons also believes that the possible development of new types of nuclear weapons and new targeting options to serve aggressive counter-proliferation purposes as well as the lack of progress in diminishing the role of nuclear weapons in security policies further undermine disarmament commitments.

9. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons underlines the unanimous conclusion of the

International Court of Justice that there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

10. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons has called for the establishment of a subsidiary body on nuclear disarmament to focus on the issue of fulfilment of the obligations under article VI.

Nuclear testing

11. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons welcomes the signature of the Comprehensive Nuclear-Test-Ban Treaty by 175 States and its ratification by 120 States. The Group, in accordance with its long-standing and principled position in favour of the total elimination of all forms of nuclear weapons, supports the objectives of the Treaty, which is intended to enforce a comprehensive ban on all nuclear test explosions, and to stop the qualitative development of nuclear weapons that would pave the way towards the total elimination of nuclear weapons.

12. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons believes that the significance of achieving universal adherence to the Comprehensive Nuclear-Test-Ban Treaty, including by the five nuclear-weapon States, would contribute towards the process of nuclear disarmament and therefore towards the enhancement of international peace and security. The Group also believes that if the objectives of the Comprehensive Nuclear-Test-Ban Treaty were to be fully realized, the continued commitment of all States signatories, especially the five nuclear-weapon States, to nuclear disarmament, would be essential.

13. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons believes that the five nuclear-weapon States have a special responsibility to ensure the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, not only because they are among the 44 States listed in Annex 2 to the Treaty, but also because, on account of their position, they are expected to lead in making the ban on tests a reality. It will be possible to determine the success of the Comprehensive Nuclear-Test-Ban Treaty only when it has been signed and ratified by the five nuclear-weapon States and the remaining countries in Annex 2

14. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons regrets the fact that one nuclear-weapon State has taken the decision not to proceed with the ratification of the Comprehensive Nuclear-Test-Ban Treaty. Positive decisions by the nuclear-weapon States would have the desired impact on progress towards entry into force of the Comprehensive Nuclear-Test-Ban Treaty. Early ratification by nuclear-weapon States would pave the way and encourage the remaining countries listed in Annex 2 to the Comprehensive Nuclear-Test-Ban Treaty, especially the three States with unsafeguarded nuclear facilities, to sign and ratify the Treaty.

15. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons recalls the undertaking by the nuclear-weapon States at the time of negotiation of the Comprehensive Nuclear-Test-Ban Treaty to

ensure that the Treaty would halt both vertical and horizontal proliferation, thereby preventing the appearance of new types of nuclear devices, as well as nuclear weapons based on new physical principles. The nuclear-weapon States stated at that time that the only steps to be followed would be to maintain the safety and reliability of the remaining or existing weapons, which would not involve nuclear explosions. In that regard, the Group calls upon those States to continue to refrain from conducting nuclear test explosions for the development or further improvement of nuclear weapons The Group wishes to re-emphasize the principles of the non-proliferation regime, both vertically and horizontally.

16. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons underscores the importance of the five nuclear-weapon States maintaining their voluntary moratoriums on nuclear weapon test explosions since the opening for signature of the Comprehensive Nuclear-Test-Ban Treaty. However, the Group believes that moratoriums do not take the place of the signing, ratification and entry into force of the latter.

17. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons emphasizes that the development of new types of nuclear weapons is contrary to the guarantee given by the five nuclear-weapon States at the time of the conclusion of the Comprehensive Nuclear-Test-Ban Treaty, namely, that the Treaty would prevent the improvement of existing nuclear weapons and the development of new types of nuclear weapons. Pending the entry into force of the Treaty, States should refrain from any actions contrary to its objectives and purpose. In this context, the Group is seriously concerned by the decision by a nuclear-weapon State to reduce the time necessary to resume nuclear testing to 18 months as a setback to the 2000 Review Conference agreements. The lack of progress in the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty also remains a cause for concern.

Security assurances

18. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons believes that the Conference should also substantially focus on the issue of security assurances. At the 2000 Review Conference, the States parties to the Treaty had agreed that legally binding security assurances by the five nuclear-weapon States to the non-nuclear-weapon States parties ... strengthened the nuclear non-proliferation regime and called on the Preparatory Committee to make recommendations to the 2005 Review Conference of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons on this issue.

19. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons recalls that the thirteenth Conference of Heads of State or Government of the Non-Aligned Countries expressed serious concern that the development of new types of nuclear weapons was being considered, and reiterated that the provision for the use of nuclear weapons against non-nuclear-weapon States was in contravention of the negative security assurances that had been provided by the nuclear-weapon States. The Group also recalls that the Heads of State or Government of the Non-Aligned Countries also restated that the development of new types of nuclear weapons contravened the assurances provided

by the nuclear-weapon States at the time of the conclusion of the Comprehensive Nuclear-Test-Ban Treaty that the Treaty would prevent the improvement of existing nuclear weapons and development of new types of nuclear weapons.

20. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons emphasizes that the indefinite extension of the Treaty does not imply the indefinite possession by the nuclear-weapon States of their nuclear arsenals and considers, in that regard, that any assumption of indefinite possession of nuclear weapons is incompatible with the integrity and sustainability of the nuclear non-proliferation regime, both vertical and horizontal, and with the broader objective of maintaining international peace and security.

21. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons reaffirms that the total elimination of nuclear weapons is the only absolute guarantee that there will be no use or threat of use of nuclear weapons and further reaffirms that non-nuclear-weapon States should be effectively assured by nuclear-weapon States that there will be no use or threat of use of nuclear weapons. Pending the total elimination of nuclear weapons, the Group reiterates that efforts to conclude a universal, unconditional and legally binding instrument on security assurances to non-nuclear-weapon States should be pursued as a matter of priority.

22. The Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons stresses that it is the legitimate right of States that have given up the nuclear-weapon option to receive security assurances. In that regard, the Group calls for the negotiation of a universal, unconditional and legally binding instrument on security assurances, believing that such assurances to the non-nuclear-weapon States parties to the Treaty fulfil the undertaking to the States that have voluntarily given up the nuclear-weapons option by becoming parties to the Treaty. The Group believes that legally binding security assurances within the context of the Treaty would provide an essential benefit to the States parties.

23. In keeping with the above-mentioned position and in accordance with the decision at the 2000 Review Conference, the Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons has called for the establishment of a subsidiary body on security assurances for further work to be undertaken to consider legally binding security assurances by nuclear-weapon States.

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Working paper presented by the members of the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Nuclear-weapon-free zones

1. The Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons continues to consider the establishment of nuclear-weapon-free zones created by the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba as a positive step towards attaining the objective of global nuclear disarmament. The Group welcomes the efforts aimed at establishing nuclear-weapon-free zones in all regions of the world and calls for cooperation and broad consultations in order to achieve agreements freely arrived at among the States of the regions concerned.

2. The Group of Non-Aligned States Parties to the Treaty reiterates that, in the context of nuclear-weapon-free zones, it is essential that nuclear-weapon States should provide unconditional assurances against the use or threat of use of nuclear weapons to all States of the zone. The Group urges States to conclude agreements with a view to establishing new nuclear-weapon-free zones in regions where they do not exist in accordance with the provisions of the Final Document of the First Special Session of the General Assembly Devoted to Disarmament and the principles and guidelines adopted by the United Nations Disarmament Commission at its 1999 substantive session. In this context, the Group considers that the further institutionalization of that status would be an important measure towards strengthening the non-proliferation regime in that region.

3. With the ratification by Cuba of the Treaty of Tlatelolco, all the Latin American and Caribbean States are now parties to the Treaty and this has brought the Treaty into full force in its area of application. The Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons emphasizes the need to strengthen the integrity of the statute of denuclearization provided for in the

Treaty of Tlatelolco by a review of the declarations that were formulated by the nuclear-weapon States parties to Protocols I and II for possible withdrawal or modification.

4. The Group of Non-Aligned States Parties to the Treaty welcomes the ongoing consultations between the Association of South-East Asian Nations (ASEAN) and the nuclear-weapon States on the Protocol of the South-East Asian Nuclear-Weapon-Free Zone Treaty and urges the nuclear-weapon States to become parties to the Protocol of the Treaty as soon as possible.

5. The Group of Non-Aligned States Parties to the Treaty stresses the importance of the signature and ratification of the Treaties of Rarotonga and Pelindaba by all regional States, as well as the signature and ratification by the nuclear-weapon States that have not yet done so of the relevant Protocols to those treaties. The Group also welcomes the decision by all five Central Asian States to sign the Central Asian Nuclear-Weapon-Free Zone Treaty as soon as possible.

6. The Group of Non-Aligned States Parties to the Treaty has also expressed its support for the initiative of convening an international conference of States parties and signatories of the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba in order to support the common objectives established in those treaties and to discuss and implement further ways and means of cooperation among themselves, their Treaty agencies and other interested States as soon as possible. In this context, the Group welcomes the outcome of the Conference of States Parties and Signatories of Treaties that Establish Nuclear-Weapon-Free Zones, which was held in Mexico City from 26 to 28 April 2005.

Safeguards

7. The Group of Non-Aligned States Parties to the Treaty expresses its strong concern at the growing resort to unilateralism and unilaterally imposed prescriptions and, in this context, strongly underlines and affirms that multilateralism and multilaterally agreed solutions, in accordance with the United Nations Charter, provide the only sustainable method of addressing disarmament and international security issues. In this regard, the Group underlines that the IAEA-established multilateral mechanism is the most appropriate way to address verification and safeguards issues.

8. The Group of Non-Aligned States Parties to the Treaty stresses the importance of the IAEA safeguards system. In this regard, the Group urges all States that have yet to bring into force comprehensive safeguards agreements to do so as soon as possible. The 2000 Review Conference considered this as a main objective to consolidate and enhance the verification system for the non-proliferation regime. However, the Group does not desire to see international efforts towards achieving universality of comprehensive safeguards to wither away in favour of pursuing additional measures and restrictions on non-nuclear-weapon States, which are already committed to non-proliferation norms and which have renounced the nuclear-weapon option. The Group also expresses its strong rejection of attempts by any Member State to use the technical cooperation programme of IAEA as a tool for political purposes in violation of its statute.

9. The Group of Non-Aligned States Parties to the Treaty fully recognizes the role of IAEA as an independent intergovernmental, science and technology-based

organization in the United Nations system, which serves as the sole verification agency for nuclear safeguards and the global focal point for nuclear technical cooperation.

10. The Group of Non-Aligned States Parties to the Treaty reiterates that IAEA's work with regard to safeguards and verification needs to be conducted in accordance with the provisions of its statute and relevant safeguards agreements, including the Model Additional Protocol, where applicable. The Group emphasizes that it is fundamental to make the distinction between legal obligations and voluntary confidence-building measures. In this regard, the Group also emphasizes that IAEA shall ensure avoiding any ultra vires acts jeopardizing its integrity and credibility. The Group urges States Parties to the Treaty to maintain and strengthen the technical character of IAEA consistent with the role defined for it in the statute.

11. With respect to safeguards, the Group of Non-Aligned States Parties to the Treaty believes that the differentiated nature of the financial obligations undertaken by States members of IAEA should be recognized and respected by IAEA in its work.

12. The Group of Non-Aligned States Parties to the Treaty welcomes the ratification by Kuwait and Cuba of the Additional Protocols and the signing of the Protocols by Iran (Islamic Republic of), the Libyan Arab Jamahiriya, Madagascar, Mauritius, Morocco, the Niger, Panama and Togo.

Verification

13. The Group of Non-Aligned States Parties to the Treaty commends IAEA for the extensive verification activities it has undertaken since its inception and expresses full support for its ongoing efforts.

14. The Group of Non-Aligned States Parties to the Treaty reaffirms that IAEA is the competent authority responsible for verifying and assuring compliance by States Parties with their safeguards agreements undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Therefore, nothing should be done to undermine the authority of IAEA in this regard. States Parties that have concerns regarding non-compliance by the States Parties with the safeguards agreements of the Treaty should direct such concerns, along with supporting evidence and information, to IAEA to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate.

15. The Group of Non-Aligned States Parties to the Treaty emphasizes the need to achieve worldwide application of the safeguards system and proposes that nuclear-weapon States Parties to the Treaty undertake to accept full-scope safeguards. This is to be set forth in an agreement to be negotiated and concluded with IAEA in accordance with its statute and the IAEA safeguards system, for the exclusive purpose of verification of the fulfilment of nuclear-weapon States' obligations assumed under this Treaty with a view to providing baseline data for future disarmament and preventing further diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices.

16. The Group of Non-Aligned States Parties to the Treaty, mindful of the importance of article III in verifying the peaceful nature of nuclear programmes,

reiterates that obligations under this article provide credible assurances for States Parties to engage in the transfer of nuclear equipment, material and technology for peaceful purposes. Therefore, States Parties to the Treaty are called upon to refrain from imposing or maintaining any restriction or limitation on the transfer of nuclear equipment, material and technology to States Parties with comprehensive safeguards agreements.

Regional issues

Middle East

17. The Group of Non-Aligned States Parties to the Treaty recalls the resolution on the Middle East adopted by the 1995 Review and Extension Conference and its operative paragraph 4, as well as the Final Document of the 2000 Review Conference (Part I), which "calls upon all States in the Middle East that have not yet done so, without exception, to accede to the Treaty as soon as possible and to place their facilities under full-scope International Atomic Energy Agency safeguards".

18. The Group of Non-Aligned States Parties to the Treaty recalls that the 2000 Review Conference reaffirmed that the 1995 resolution on the Middle East was an essential element of the outcome of the 1995 Review and Extension Conference and of the basis on which the Treaty on the Non-Proliferation of Nuclear Weapons was indefinitely extended without a vote in 1995, and that the resolution remains valid until its goals and objectives are achieved.

19. The Group of Non-Aligned States Parties to the Treaty recalls that the 2000 Review Conference reaffirmed the importance of Israel's accession to the Treaty on the Non-Proliferation of Nuclear Weapons and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East.

20. The Group of Non-Aligned States Parties to the Treaty notes with regret that no progress has been achieved since 2000 with regard to Israel's accession to the Treaty, extension of full-scope safeguards to its nuclear facilities or establishment of a nuclear-weapon-free zone in the Middle East, all of which are objectives and priorities that were stressed in both Review Conferences of 1995 and 2000.

21. The Group of Non-Aligned States Parties to the Treaty reaffirms the importance of Israel's prompt accession to the Treaty on the Non-Proliferation of Nuclear Weapons and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East.

22. The Group of Non-Aligned States Parties to the Treaty recalls that nuclear-weapon States, in conformity with their obligations under article I of the Treaty, solemnly undertake not to transfer nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly or indirectly to Israel, and further undertake not in anyway to assist, encourage or induce Israel to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices under any circumstances whatsoever.

23. The Group of Non-Aligned States Parties to the Treaty, in conformity with the seventh preambular paragraph and article IV of the Treaty, hereby declares its

commitment to exclusively prohibit the transfer of all nuclear-related equipment, information, material and facilities, resources or devices, and the extension of know-how or any kind of assistance in the nuclear, scientific or technological fields to Israel, as long as it remains a non-party to the Treaty and has not placed all its nuclear facilities under full-scope IAEA safeguards. The States Parties express their serious concern over the continuing development whereby Israeli scientists are provided access to the nuclear facilities of one nuclear-weapon State. This development will have potentially serious negative implications on security in the region as well as the reliability of the global non-proliferation regime.

24. The Group of Non-Aligned States Parties to the Treaty reaffirms once again the determination of the Parties to extend their fullest cooperation and to exert their utmost efforts with a view to ensuring the early establishment in the Middle East of a zone free of nuclear as well as all other weapons of mass destruction and their delivery systems.

25. The Group of Non-Aligned States Parties to the Treaty agrees that specific time should be made available at Preparatory Committee meetings of the 2010 Review Conference to review the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference and the Final Document of the 2000 Review Conference.

26. The Group of Non-Aligned States Parties to the Treaty agrees to establish a subsidiary body to Main Committee II of the 2005 Review Conference to consider and recommend proposals on the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference and the Final Document of the 2000 Review Conference.

27. The Group of Non-Aligned States Parties to the Treaty calls for the establishment of a Standing Committee composed of members of the Bureau of the 2005 Review Conference to follow up intersessionally the implementation of the recommendations concerning the Middle East, in particular Israel's prompt accession to the Treaty on the Non-Proliferation of Nuclear Weapons and the placement of all its nuclear facilities under comprehensive IAEA safeguards, and report to the 2010 Review Conference and its Preparatory Committee.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

19 May 2005

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Substantive issues to be considered by Main Committee II of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper presented by the members of the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Corrigendum

Paragraph 2

The last sentence *should read*

In this context, the Group considers that the further institutionalization of Mongolia's nuclear-weapon-free status would be an important measure towards strengthening the non-proliferation regime in that region.

NPT/CONF.2005/WP.20

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Substantive issues to be considered by Main Committee III of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper presented by the members of the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

1. The Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons recalls that article IV of the Treaty reaffirms the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III of the Treaty, and their right to technical cooperation among themselves or other international organizations keeping in view the needs of the developing areas of the world.

2. The Group of Non-Aligned States Parties to the Treaty recognizes the major and important role of IAEA in assisting, in particular, developing States Parties to the Treaty in planning for and the use of nuclear science and technology for various peaceful purposes, especially in the context of accelerating socio-economic development, including sustainable transfer of such technology and knowledge towards achieving the Millennium Development Goals.

3. The Group of Non-Aligned States Parties to the Treaty recalls that the statute of IAEA stipulated Member States' right to use atomic energy for peaceful purposes, to promote socio-economic development by way of technical cooperation and the production of electric power with due consideration for the needs of developing countries. To ensure the realization of these goals, all States Parties, developed ones in particular, shall extend their assistance, as requested by States Parties which are States members of IAEA, in the provision of equipment, material and technology for peaceful purposes.

4. The Group of Non-Aligned States Parties to the Treaty continues to note with concern that undue restrictions on exports to developing countries of material, equipment and technology for peaceful purposes persist. In this regard, the Group believes that any undue restrictions or limitations on peaceful uses of nuclear energy, incompatible with the provisions of the Treaty, should be removed. The

Group emphasizes that proliferation concerns are best addressed through multilaterally negotiated, universal, comprehensive and non-discriminatory agreements. The Group further emphasizes that non-proliferation control arrangements should be transparent and open to participation by all States and should ensure that they do not impose restrictions on access to material, equipment and technology for peaceful purposes required by developing countries for continued development. Furthermore, such arrangements must pursue and implement, without exception, the condition of adherence to IAEA comprehensive safeguards and to the Treaty on the Non-Proliferation of Nuclear Weapons as a condition for supply to or cooperation with States not parties to the Treaty.

5. The Group of Non-Aligned States Parties to the Treaty underscores that IAEA, under its statutory obligations, pursues the goals of technical cooperation in peaceful applications of nuclear energy as one of the three pillars of its activities. In order to meet the objectives of technical cooperation for peaceful purposes as enshrined in the statute of IAEA and in the Treaty, IAEA has to maintain the balance between the technical cooperation and other activities. The Group believes that all States Parties to the Treaty that are States members of IAEA have to ensure that the technical cooperation programme remains firm and sustainable through adequate financial and human resources in an assured and predictable manner. In this regard, the efficacy of the technical cooperation programme can best be ensured by formulation of the programme and the strategies strictly in accordance with the needs of the developing countries.

6. The Group of Non-Aligned States Parties to the Treaty expresses its rejection of any attempts by any State Party to use the IAEA technical cooperation programme as a tool for political purposes, which is in violation of the statute of IAEA. The Group reaffirms that each country's choices and decision in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel-cycle policies. The Group stresses the responsibility of developed countries to facilitate and assist the legitimate development of nuclear energy of the developing countries by allowing them to participate to the fullest in possible transfer of nuclear equipment, materials and scientific and technological information for peaceful purposes with a view to achieving the maximum benefits and applying pertinent elements of sustainable development in their activities.

7. The Group of Non-Aligned States Parties to the Treaty reaffirms the inviolability of peaceful nuclear activities and that any attack or threat of attack against peaceful nuclear facilities — operational or under construction — poses a great danger to human beings and the environment, and constitutes a grave violation of international law, the purposes and principles of the United Nations Charter and the regulations of IAEA. The Group recognizes the need for a comprehensive multilaterally negotiated instrument, prohibiting attacks, or the threat of attacks, on nuclear facilities devoted to peaceful uses of nuclear energy.

NPT/CONF.2005/WP.21**

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Further measures to be taken for strengthening the Treaty on the Non-Proliferation of Nuclear Weapons

Twenty-one Measures for the Twenty-first Century

Working paper submitted by Japan

1. The 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) will provide the States parties with opportunities to show their resolve to make progress in strengthening the NPT regime, which will certainly contribute to the international peace and stability.

2. Japan believes that the States parties should redouble their efforts to reach a common understanding on measures to be taken for further strengthening the Treaty at the coming Review Conference. To this end, Japan proposes the following 21 measures to be included in the document(s) to be issued as final product(s) of the 2005 Review Conference.

Nuclear disarmament

3. In accordance with article VI of the Treaty and pursuant to paragraphs 3 and 4 (c) of the 1995 decision on "Principles and Objectives" and the Final Document of the 2000 Review Conference, the Conference agrees that all States parties should take further practical measures towards the goal of nuclear disarmament.

1. Further reduction in nuclear arsenals

4. The Conference agrees that the realization of a safe world free of nuclear weapons will require further steps, including deeper reductions in all types of nuclear weapons by all the nuclear-weapon States with greater transparency and in an irreversible manner, in the process of working towards their elimination.

5. While recognizing the progress made by nuclear-weapon States on nuclear arms reductions, the Conference encourages the Russian Federation and the United States of America to implement fully the Treaty on Strategic Offensive Reductions

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** Second reissue for technical reasons.

and to continue their intensive consultations in accordance with the Joint Declaration on the New Strategic Relationship between the two States.

2. International cooperation on reducing nuclear-weapons-related materials

6. With a view to accelerating disarmament of nuclear weapons excess to military needs, the Conference encourages States to continue to pursue efforts within the framework of international cooperation aimed at the reduction of nuclear-weapons-related materials, such as the Cooperative Threat Reduction programme, and the Group of Eight Global Partnership against the Spread of Weapons and Materials of Mass Destruction.

3. Reducing the operational status of nuclear weapons systems

7. The Conference calls for the nuclear-weapon States to further reduce the operational status of nuclear weapons systems in ways that promote international stability and security.

4. A diminishing role for nuclear weapons

8. The Conference reaffirms the necessity of a diminishing role for nuclear weapons in security policies to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination.

5. Securing fissile materials

9. The Conference stresses that fissile material resulting from reductions in nuclear arsenals must be controlled and protected to the highest standards, and calls for arrangements by all the nuclear-weapon States to place fissile material no longer required for military purposes under international verification as soon as is practicable to ensure such material is irreversibly removed from nuclear weapons use.

6. Early entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT)

10. The Conference reaffirms the importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty.

11. The Conference urges all States that have not yet ratified the Comprehensive Nuclear-Test-Ban Treaty, in particular those 11 States whose ratification is required for the Treaty to enter into force, to do so at the earliest opportunity.

12. The Conference agrees that existing moratoriums on nuclear-weapon test explosions must be maintained pending entry into force of the CTBT.

7. The Comprehensive Nuclear-Test-Ban Treaty Verification regimes

13. The Conference reaffirms the importance of continued development of the CTBT verification regime, including the International Monitoring System, which will be required to provide assurance of compliance with the Treaty.

8. Fissile Material Cut-off Treaty

14. The Conference reaffirms the importance of immediate commencement of negotiations on the Fissile Material Cut-off Treaty, and its early conclusion.

15. The Conference stresses that a conclusion of the FMCT will be an essential building block towards the total elimination of nuclear arsenals and will also contribute to the prevention of nuclear proliferation by banning globally the production of fissile materials for nuclear weapons and enhancing transparency and accountability in the management of such materials through its verification system.

16. The Conference calls upon all nuclear-weapon States and States not parties to the Treaty on the Non-Proliferation of Nuclear Weapons to declare moratoriums on the production of fissile material for any nuclear weapons pending the entry into force of the Fissile Material Cut-off Treaty.

17. Given the importance of immediate commencement of negotiation of the Fissile Material Cut-off Treaty, the Conference regards it as a primary task for the Conference on Disarmament to reach agreement on a programme of work.

Nuclear non-proliferation

9. Democratic People's Republic of Korea

18. The Conference expresses grave concern over the DPRK's nuclear programmes, which undermine peace and stability on the Korean Peninsula and beyond. The Conference also expresses deep concern regarding the DPRK's decision to withdraw from the Treaty, which continues to represent a serious challenge to the global non-proliferation regime.

19. Furthermore, the Conference expresses its utmost regret and deep concern over the DPRK Foreign Ministry statement on 10 February 2005, which announced that it would suspend its participation in the Six-Party Talks for an indefinite period and that it had manufactured nuclear weapons.

20. The Conference urges the Democratic People's Republic of Korea to promptly come into compliance with the NPT and completely dismantle all of its nuclear programmes, including its uranium enrichment programmes, in a permanent, thorough and transparent manner subject to credible international verification. The Conference stresses that the Korean Peninsula must be denuclearized, while the peace, security and stability of the region should be strengthened and the legitimate interests and concerns of the relevant parties should be satisfied.

21. The Conference emphasizes the importance of peacefully resolving this issue through diplomatic means within the framework of the Six-Party Talks and urges the Democratic People's Republic of Korea to expeditiously return to the Six-Party Talks without preconditions.

10. Islamic Republic of Iran

22. Recognizing the efforts made by the international community, especially France, Germany and the United Kingdom of Great Britain and Northern Ireland (EU3)/EU and the Islamic Republic of Iran, to pursue the peaceful resolution of the Iranian nuclear issue, the Conference recognizes the importance of the fact that the

Islamic Republic of Iran has voluntarily continued and extended its suspension of all uranium enrichment-related and reprocessing activities. At the same time, the Conference reaffirms its strong concern that the Islamic Republic of Iran's policy of concealment up to October 2003 has resulted in many breaches of Iran's obligations to comply with its safeguards agreement with the International Atomic Energy Agency (IAEA). The Conference further calls on the Islamic Republic of Iran to sincerely implement all the requirements of the relevant IAEA resolutions and expects the current negotiation process between EU3/EU and the Islamic Republic of Iran to result in a success. In particular, the Conference considers it extremely important that the Islamic Republic of Iran, through its negotiations with EU3/EU, agree to provide sufficient "objective guarantees" that its nuclear programme is exclusively for peaceful purposes.

11. The Libyan Arab Jamahiriya

23. The Conference welcomes Libya's decision announced in December 2003 to abandon all of its weapons of mass destruction programmes, while expressing concern over Libya's past failures to meet the requirements of its safeguards agreement, which constituted non-compliance. The Conference strongly hopes that the Democratic People's Republic of Korea and those States that are subject to suspicion for developing WMDs will follow Libya's example.

12. Strengthening and maximizing the efficiency of the International Atomic Energy Agency safeguards

24. The Conference reaffirms the necessity of enhancing the IAEA's capability of safeguards activities to assure the non-diversion of declared nuclear material which has been placed under safeguards in each State and the absence of undeclared nuclear material and activities for the State as a whole, and emphasizes, in particular, the importance of the universalization of the Additional Protocol as the most realistic and effective means to strengthen the current international non-proliferation regime. The Conference recognizes that the strengthened safeguards system should constitute the NPT safeguards standard as required by paragraph 1 of Article III of the NPT from a certain date. The Conference urges those States parties that have not yet concluded a comprehensive safeguards agreement and/or an additional protocol with the IAEA to do so without further delay.

25. The Conference welcomes the IAEA's completion of the conceptual framework for integrated safeguards as well as its application to those States parties that have achieved a good track record on the IAEA's safeguards activities based on both comprehensive safeguards agreements and additional protocols. The Conference recognizes the importance of promoting the adoption of integrated safeguards with a view to maximizing the effectiveness and the efficiency of the IAEA's safeguards activities within available resources, and encourages the IAEA to take necessary steps to strengthen integrated safeguards approaches.

13. Establishing and implementing effective national export control systems

26. Recognizing the important role of multinational export control regimes for nuclear-related materials, equipment and technology — i.e., the Zangger Committee and the Nuclear Suppliers Group (NSG) — in ensuring the implementation of paragraph 2 of Article III of the Treaty, the Conference urges those States parties

that have not yet done so to establish and implement appropriate effective national rules and regulations on export controls over both nuclear and nuclear-related dual-use items, based on the Zangger Committee Understandings (INFCIRC/209/Rev.2) and the NSG Guidelines (INFCIRC/254/Rev.7/Part 1 and INFCIRC/254/Rev.6/Part 2). In this regard, the Conference notes that United Nations Security Council resolution 1540 (2004), adopted in April 2004, requires all States to establish, develop, review and maintain appropriate effective national export controls.

14. Special controls on the transfer of sensitive material, facilities, equipment and technology

27. In particular, the Conference recognizes the necessity of introducing new measures to place special controls on the transfer of sensitive material, facilities, equipment and technology that could be used in the development of nuclear weapons, such as those related to enrichment and reprocessing, and urges all States parties to exercise restraint in and vigilance over such transfer. In this regard, the Conference welcomes the continuing, devoted efforts to update the NSG Guidelines by the NSG participating governments.

15. IAEA Additional Protocol as a precondition of supply

28. With regard to the required safeguards in paragraph 2 of Article III of the Treaty, the Conference reaffirms paragraph 12 of Decision 2 (Principles and objectives for nuclear non-proliferation and disarmament), adopted on 11 May 1995 by the Review and Extension Conference of the Parties to the Treaty, in which States parties agreed that new nuclear supply arrangements to non-nuclear-weapon States should require, as a necessary precondition, acceptance of IAEA's full-scope safeguards. The Conference further agrees that new nuclear supply arrangements of all the items in the Trigger List of the Zangger Committee Understandings and of the NSG Part 1 Guidelines to non-nuclear-weapon States should require, as a necessary precondition, the conclusion of additional protocols. In this regard, the Conference welcomes the continuing, devoted efforts to update the Zangger Committee Understandings and the NSG Guidelines by participating governments of the respective multinational export control regimes.

16. Nuclear-weapon-free zone

29. The Conference agrees that the concept of internationally recognized nuclear-weapon-free zones established on the basis of arrangements freely arrived at among States in the regions concerned contributes to regional and global peace and stability, and thus reaffirms its support for the concept.

30. The Conference appreciates the efforts made to establish nuclear-weapon-free zones in various regions, in particular in Central Asia and the Middle East, and agrees that progress in this regard will further strengthen the credibility of the NPT.

17. Measures against nuclear terrorism

31. The Conference urges the States Parties to the Convention on the Physical Protection of Nuclear Material (CPPNM) to participate in the conference of plenipotentiaries in July 2005 and to agree on amendments to strengthen the CPPNM.

32. The Conference welcomes the approval by the IAEA Board of Governors of the Code of Conduct on the Safety and Security of Radioactive Sources, and the approval by the IAEA Board of Governors of the Guidance on the Import and Export of Radioactive Sources.

33. The Conference welcomes the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism by the United Nations General Assembly.

34. The Conference notes that United Nations Security Council resolution 1540 (2004) requires all States to develop and maintain appropriate physical protection measures, border control and law enforcement.

Use of nuclear energy for peaceful purposes

18. Peaceful uses of nuclear energy

35. The Conference affirms that the peaceful uses of nuclear energy by a non-nuclear-weapon State that carries out nuclear activities with the confidence of the international community by faithfully fulfilling its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and by ensuring high transparency of its nuclear activities should not be unduly affected.

36. The Conference supports the promotion of the activities of the IAEA in the field of nuclear safety, and also supports adherence by as many States as possible to international conventions in this area, such as the Convention on Nuclear Safety.

37. The Conference supports enhancing the global safety of spent fuel and radioactive waste management and thereby recognizes the importance of adherence by as many States as possible to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management.

38. The Conference recognizes the importance of international technical cooperation in peaceful use of nuclear technology — particularly in such fields as human health, agriculture, food, sanitary, and water resources, that plays a key role and brings about significant benefits to the whole world. In this regard, the Conference stresses the need to further strengthen the IAEA's technical cooperation activities, to continually enhance the effectiveness and efficiency of the technical cooperation programmes, and to promote activities supporting self-reliance and sustainability, particularly in developing countries in the fields stated.

39. The Conference urges IAEA Member States to make every effort to contribute to the Agency's Technical Cooperation Fund as well as to honour their obligation to pay their National Participation Costs as well as arrears of Assessed Programme Costs. In this context, the Conference stresses that the financing of technical cooperation should be in line with the concept of "shared responsibility" and all members share a common responsibility towards financing and enhancing the technical cooperation activities of the Agency.

General issues

19. Universalization of the Treaty on the Non-Proliferation of Nuclear Weapons

40. The Conference urges all States not yet party to the Treaty — namely India, Israel and Pakistan -- to accede to the Treaty as non-nuclear-weapon States promptly and without condition, and to bring into force the required comprehensive safeguards agreements and additional protocols. The Conference strongly urges the non-party States to refrain from acts which would defeat the object and purpose of the Treaty as well as to take practical steps in support of the Treaty, pending their accession to the Treaty as non-nuclear-weapon States.

20. Effective mechanisms to deal with withdrawal from the Treaty

41. The Conference reaffirms that a State party which has withdrawn from the Treaty remains responsible for violations it committed while being a party. The Conference urges any supplier country of the nuclear material, facilities, equipment etc. to make necessary arrangements entitling it to require the return of any nuclear material, facilities, equipment etc. transferred prior to the withdrawal or their neutralization.

21. Disarmament and non-proliferation education

42. The Conference encourages the States parties to undertake concrete activities to implement, as appropriate, the recommendations in the report of the United Nations Secretary-General on disarmament and non-proliferation education, submitted by the Secretary-General to the General Assembly at its fifty-seventh session, and to voluntarily share information on efforts they have been undertaking to this end.

NPT/CONF.2005/WP.22*

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Working Paper of Japan

1. Overview

1. As a cornerstone of the nuclear non-proliferation regime and a foundation for the promotion of nuclear disarmament, the Treaty on the Non-Proliferation of Nuclear Weapons has made immense contributions to maintaining and strengthening international peace and security since its entry into force in 1970.

2. In the light of the recent challenges to the Treaty on the Non-Proliferation of Nuclear Weapons regime, such as the Democratic People's Republic of Korea's nuclear programs and underground networks of nuclear proliferation, the proliferation of weapons of mass destruction, especially that of nuclear weapons, and their means of delivery, poses a great threat to international peace and stability. In order to address that problem, all States must strengthen their non-proliferation policies, reaffirm their commitment to disarmament and non-proliferation treaties and norms, including the Treaty on the Non-Proliferation of Nuclear Weapons, promote universalization of those treaties and ensure compliance with them.

3. Given the current international security environment, Japan considers it crucial for the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to unite to take effective actions to deal with emerging challenges to the Treaty on the Non-Proliferation of Nuclear Weapons regime, and make efforts to further strengthen the NPT regime. In order to make tangible contributions to the preparatory process for the 2005 Review Conference, Japan has presented at each session of the Preparatory Committee the following working papers:

- NPT/CONF.2005/PC.I/WP.7
- NPT/CONF.2005/PC.II/WP.15 and NPT/CONF.2005/PC.II/WP.18
- NPT/CONF.2005/PC.III/WP.11, NPT/CONF.2005/PC.III/WP.17 and NPT/CONF.2005/PC.III/WP.18 and Corr.1.

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[*] Reissued for technical reasons.

4. Japan also hosted the Tokyo Seminar on the Treaty on the Non-Proliferation of Nuclear Weapons entitled "Toward the 2005 Review Conference", which was held from 7 to 8 February 2005 in Tokyo, in order to provide a timely opportunity to pave the way to a successful outcome for the 2005 NPT Review Conference.

5. Japan, as the only nation to have suffered atomic bombings, continues to adhere to its "Three Non-Nuclear Principles", of "not possessing, not producing and not permitting the introduction of nuclear weapons into Japan". The successive cabinets of Japan, including the current Koizumi Cabinet, have repeatedly articulated the "Three Non-Nuclear Principles", and there is no change in the position of the Government of Japan in that it continues to uphold those principles.

6. Japan, since its accession to the Treaty on the Non-Proliferation of Nuclear Weapons, has concluded its comprehensive International Atomic Energy Agency safeguards agreement and additional protocol in an effort to ensure transparency of its nuclear-related activities. Furthermore, in 1955, Japan promulgated the Atomic Energy Basic Law, which stipulates that the utilization of Japan's atomic energy be strictly limited to peaceful purposes.

2. Nuclear disarmament

7. The Treaty on the Non-Proliferation of Nuclear Weapons pursues both nuclear non-proliferation and nuclear disarmament. It is one of the most valuable achievements for international peace and security that an overwhelming majority of countries have decided to renounce the possession of nuclear weapons. That achievement should be taken seriously by nuclear-weapon States. In that regard, it should be recalled that the decision in 1995 to extend the Treaty on the Non-Proliferation of Nuclear Weapons indefinitely was an integral part of a package with "Principles and Objectives", which includes the promotion of nuclear disarmament. Nuclear-weapon States are urged to respond to such resolute determination on the part of non-nuclear-weapon States by demonstrating tangible progress towards nuclear disarmament.

8. The international community should realize a peaceful and safe world free of nuclear weapons at the earliest date possible. It is imperative that nuclear-weapon States strengthen and continue to take disarmament measures. In that regard, Japan calls for nuclear-weapon States to take further steps towards that aim, including deeper reductions in all types of nuclear weapons with greater transparency and in an irreversible manner, as well as to further reduce the operational status of nuclear weapons systems in ways that promote international stability and security. Japan also reaffirms, on this occasion, the necessity of a diminishing role for nuclear weapons in security policies to minimize the risk that those weapons will ever be used and to facilitate the process of their total elimination. In recent years, concern over the increasing possibility of the use of nuclear weapons has been expressed more frequently. As the only nation which suffered atomic bombings, Japan has strongly urged that nuclear devastation never be repeated. Japan is convinced that every effort should be made to avoid it. The threshold for the use of nuclear weapons must be kept as high as possible. In this vein, Japan believes that the international community should be well informed and ever conscious of the horrendous and long-lasting consequences of the use of nuclear weapons.

9. It is necessary for States parties, especially nuclear-weapon States, to faithfully make progress in implementing the nuclear disarmament measures agreed at the 2000 Review Conference, in the process of working towards their elimination. Japan has submitted a resolution entitled "A path to the total elimination of nuclear weapons" at each session of the General Assembly since 2000. Those resolutions identify concrete steps towards the total elimination of nuclear weapons, based on the 2000 Review Conference agreements, and appeal to the international community for the necessity of progress in nuclear disarmament.

(a) Comprehensive Nuclear-Test-Ban Treaty

10. The Comprehensive Nuclear-Test-Ban Treaty is an historic milestone in the promotion of nuclear disarmament and non-proliferation in that it restricts the spread and qualitative improvement of nuclear weapons. The Comprehensive Nuclear-Test-Ban Treaty is one of the major pillars of the Treaty on the Non-Proliferation of Nuclear Weapons regime and is a practical and concrete measure towards a nuclear-weapon-free world. Efforts for universalizing the Treaty have resulted in the signature of 175 and ratification by 120 States in the eight years since its adoption in 1996. However, the Comprehensive Nuclear-Test-Ban Treaty has not yet come into force, thus negatively impacting the future of nuclear disarmament and non-proliferation and undermining the credibility of the Treaty on the Non-Proliferation of Nuclear Weapons.

11. Japan considers the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty extremely important and urgent, and has intensively worked to that end. Japan has been actively calling on all States that have not yet signed and ratified the Comprehensive Nuclear-Test-Ban Treaty, in particular those States whose ratification is required for the Treaty to enter into force, to sign and ratify the Treaty at the earliest opportunity both on bilateral occasions as well as in multilateral forums. The aforementioned General Assembly resolution sponsored by Japan that underlines the importance of the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty was once again adopted with overwhelming support at the fifty-ninth session of the General Assembly in 2004. Then Minister for Foreign Affairs, Yoriko Kawaguchi, attended the Third Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty in September 2003 to make a strong personal appeal.

12. Japan, together with Australia, Finland and the Netherlands, co-hosted the Comprehensive Nuclear-Test-Ban Treaty Friends Ministerial Meeting in September 2004. The Joint Ministerial Statement that was issued on that occasion underlined that progress on the early entry into force of the CTBT would also contribute to a positive outcome of the 2005 Treaty on the Non-Proliferation of Nuclear Weapons Review Conference.

13. In response to the Final Declaration of the Third Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, the countries that have not yet signed or ratified the Comprehensive Nuclear-Test-Ban Treaty, especially those 11 States whose ratification is a requirement for its entry into force, are strongly urged to do so at the earliest possible date.

14. It is also important that efforts to establish a nuclear-test-ban verification regime undertaken by the Comprehensive Nuclear-Test-Ban Treaty Organization Preparatory Commission will continuously be made, including the International

Monitoring System. As a part of the establishment of the International Monitoring System, the construction of domestic monitoring facilities has progressed steadily under the supervision of the Comprehensive Nuclear-Test-Ban Treaty National Operation System of Japan. Japan also contributed to the decision made at the Special Session of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organization on possible contribution of the Preparatory Commission to tsunami warning systems and other alert systems in March 2005.

15. Ambassador Yukio Takasu, Permanent Representative of Japan to the Comprehensive Nuclear-Test-Ban Treaty Organization Preparatory Commission, was elected as chairman of the Commission for 2004 and made every effort towards the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty.

16. Japan firmly believes that, pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, all countries have to maintain existing moratoriums on nuclear-weapon-test explosions or any other nuclear explosions. Also, it must be recalled again that in paragraph 3 of its resolution 1172 (1998), the Security Council called on all countries to refrain from carrying out any nuclear-weapon-test explosion or any other nuclear explosion in accordance with the provisions of the Comprehensive Nuclear-Test-Ban Treaty. Japan once again strongly urges all States not to carry out any nuclear-weapon-test explosions.

(b) Fissile material cut-off treaty

17. It is truly regrettable that, despite the conclusion of the 2000 Treaty on the Non-Proliferation of Nuclear Weapons Review Conference, the Conference on Disarmament has not yet commenced negotiations on a fissile material cut-off treaty. Such negotiations must be commenced without delay. All nuclear-weapon States and the non-States parties to the Treaty on the Non-Proliferation on Nuclear Weapons should maintain or declare their moratoriums on the production of fissile material for any nuclear weapons, pending the entry into force of the fissile material cut-off treaty. That treaty is an important measure for promoting nuclear non-proliferation and disarmament. Conclusion of the treaty will be an essential building block towards the total elimination of nuclear arsenals and will also contribute to the prevention of nuclear proliferation by banning globally the production of fissile materials for nuclear weapons and enhancing transparency and accountability in the management of such materials through its verification system.

18. As a concrete contribution to the commencement of negotiations on the fissile material cut-off treaty, Japan presented a working paper on the treaty to the Conference on Disarmament on 14 August 2003, aimed at deepening discussions on the substantive issues of that treaty and facilitating the early commencement of its negotiations.

19. Japan regards it as a primary task to reach agreement on a programme of work at the Conference on Disarmament, thereby realizing the early commencement of negotiations on the fissile material cut-off treaty. Japan has been making its utmost efforts to break the current stalemate of the Conference on Disarmament. Japan redoubled its endeavours for that purpose during its Presidency of the Conference on Disarmament from 18 August to 31 December 2003; during that period, on 4 September, then Minister for Foreign Affairs of Japan, Yoriko Kawaguchi, attended the Conference on Disarmament and appealed for the early resumption of

substantive discussion at the Conference on Disarmament, stressing the need and the urgency for the commencement of negotiations on the fissile material cut-off treaty.

(c) Reduction of nuclear weapons by nuclear-weapon States

20. Japan welcomes the progress achieved by the nuclear-weapon States on the reduction of their nuclear weapons, including the completion of the reductions of strategic offensive weapons according to the START I Treaty, the measures for unilateral reduction and the entry into force of the Treaty on Strategic Offensive Reductions concluded between the Russian Federation and the United States, which should serve as a step towards further nuclear disarmament.

21. Japan highly values the Treaty on Strategic Offensive Reductions ratified by the United States and the Russian Federation as guaranteeing, in legally binding form, the reduction of strategic nuclear weapons, which the United States and the Russian Federation each had already declared. Japan encourages both States to implement the Treaty fully and to continue their intensive consultations in accordance with the Joint Declaration on the New Strategic Relationship between the two States. Japan believes that all nuclear-weapon States should reduce their nuclear arsenals and hopes that the other nuclear-weapon States will undertake, unilaterally or through negotiations, further reductions of their nuclear arsenals, without waiting for the implementation of reductions to be undertaken by the United States and the Russian Federation. In that regard Japan hopes that the nuclear-weapon State(s), which has (have) not taken such measures so far, will immediately start to reduce its (their) nuclear arsenals.

(d) Non-strategic nuclear weapons

22. It is imperative for all States that possess non-strategic nuclear weapons to undertake measures to reduce them, while maintaining transparency, in accordance with the Final Document of the 2000 NPT Review Conference. Reducing non-strategic nuclear weapons is crucially important in terms of regional and international security, as well as non-proliferation and counter-terrorism. Furthermore, Japan hopes that the United States and the Russian Federation implement their initiatives on the reduction of their non-strategic nuclear forces completely and on a voluntary basis, as declared in 1991-1992, and provide data on the status of implementation of those initiatives.

(e) Assistance for denuclearization in States of the former Soviet Union

23. In June 2002, Japan announced its intention to make a contribution amounting to a little more than US$ 200 million for the G-8 Global Partnership, $100 million of which would be allocated to the disposition programme of Russian surplus weapon-grade plutonium, and the rest to other projects, such as the dismantlement of nuclear submarines.

Nuclear submarine dismantlement

24. Japan has already extended assistance to the Russian Federation by providing a floating facility for processing liquid radioactive waste treatment. In December 2003 Japan and the Russian Federation launched the first project of dismantling decommissioned nuclear submarines (Victor III class) and that project was completed in December 2004. Currently, Japan and Russia are making great efforts

to conclude an implementing arrangement for dismantling five additional decommissioned nuclear submarines.

Management and disposition of Russian surplus weapon-grade plutonium

25. A significant amount of nuclear material, including weapon-grade plutonium, has been withdrawn from dismantled nuclear weapons as a result of ongoing nuclear disarmament efforts by the United States and the Russian Federation. It is an urgent task to prevent such material from being reused for military purposes or proliferated to a third country or terrorist group from the viewpoint of disarmament, non-proliferation and counter-terrorism. Japan's efforts in that field are twofold. Firstly, with the cooperation of Japan, 20 kilograms of weapon-grade plutonium, equivalent to two to three nuclear warheads, was successfully disposed of with the aid of advanced technology developed by Russian scientists, for the first time ever. Secondly, as mentioned above, Japan has pledged $100 million for a multilateral disposition programme of Russian surplus weapon-grade plutonium, and actively participated in the negotiations towards the establishment of such a programme. Japan strongly hopes that the outstanding issues such as liability, disposition methods and programme management will be solved as soon as possible and that actual disposition can start. Among others, Japan stresses the importance of verification that will be required to provide a reliable assurance of compliance with relevant agreements and of irreversibility of nuclear disarmament. Japan hopes that the Trilateral Initiative between the United States, the Russian Federation and the IAEA will be completed and implemented, and that adequate monitoring and inspections will be put in place.

International Science and Technology Centre

26. Japan signed the "Agreement for the Establishment of the International Science and Technology Centre" in 1992, and has been actively supporting the project since the inauguration of the Centre head office in Moscow in March 1994.

Assistance for denuclearization in former Soviet Union States other than the Russian Federation

27. As for the former Soviet Union States other than the Russian Federation, Japan has implemented projects, such as assistance for establishing the State System for Nuclear Material Accountancy and Control in Ukraine, Kazakhstan and Belarus, and medical assistance to workers involved in the dismantling of nuclear weapons in Ukraine and Kazakhstan.

(f) Reporting

28. The submission of regular reports by all States parties on the implementation of article VI of the NPT is one of the thirteen practical disarmament steps agreed to in the Final Document of the 2000 Review Conference and is an effective means to facilitate the implementation of specific disarmament measures.

29. It is encouraging that more reports were submitted to the second and third sessions of the Preparatory Committee than to the first one, thereby contributing to enhancing transparency. Japan also submitted its comprehensive report to each session of the Preparatory Committee. Japan hopes that this trend will be maintained

and further strengthened. Discussion on specific methods of reporting should be continued.

30. Japan looks forward to all States parties, particularly nuclear-weapon States, putting forward reports on their efforts towards nuclear disarmament.

3. Non-proliferation

(a) Strengthening of the commitment to the Treaty on the Non-Proliferation of Nuclear Weapons and the IAEA safeguards

31. Japan attaches great importance to strengthening the reliability of the nuclear non-proliferation regime, and deems it vital to enhance the IAEA's capability of safeguards activities to assure the non-diversion of declared nuclear material which has been placed under safeguards in each State and the absence of undeclared nuclear material and activities for the State as a whole.

32. In that respect, Japan reminds all States parties that the Final Document of the 2000 NPT Review Conference recommends, among other things, the consideration of ways and means to promote and facilitate the conclusion and entry into force of comprehensive safeguards agreements and additional protocols, and welcomes the efforts made by the IAEA to develop the Plan of Action to Promote the Conclusion of Safeguards Agreements and Additional Protocols, last updated in February 2005, and to seek universal adherence to the Comprehensive Safeguards Agreement and the Additional Protocol.

33. Japan strongly believes that the universalization of the Additional Protocol is the most realistic and effective means to strengthen the current international non-proliferation regime. The Additional Protocol can play a pivotal role in increasing the transparency of nuclear-related activities of States by providing the IAEA with the enhanced verification ability to, inter alia, verify the absence of undeclared nuclear material and activities as well as additional information on nuclear-related research and development, export and import.

34. Since the conclusion of its additional protocol in 1999, Japan has been actively taking initiatives, in cooperation with the IAEA and like-minded countries, to strengthen the IAEA safeguards through the universalization of the Additional Protocol. Japan's devoted efforts towards that end include hosting of the International Symposium for Further Reinforcement of the IAEA Safeguards in the Asia Pacific Region, held in June 2001, and the International Conference on Wider Adherence to Strengthened IAEA Safeguards, held in December 2002, and contribution to a series of regional seminars in terms of financial and human resources. Japan also hosted the Second Asian Senior-Level Talks on Non-Proliferation (ASTOP II), in February 2005, in which the universalization of the Additional Protocol was discussed in depth, and conducted other outreach activities both independently and jointly with the IAEA and like-minded countries. In that regard, Japan welcomes the resolution adopted by the IAEA General Conference in 2004 (GC(48)/RES/14), which pointed to Japan's "commendable efforts ... in implementing elements of the Plan of Action." Furthermore, Japan has been actively conducting the G-8 worldwide joint démarches since 2004 with the other G-8 members to facilitate further universalization of the Comprehensive Safeguards Agreement and the Additional Protocol.

35. Those efforts, together with those of other States and the IAEA secretariat, have led to a higher level of interest and understanding on the importance of the Additional Protocol and the steady increase in the number of States that have signed and/or concluded an additional protocol in recent years. Currently, 65 countries have their additional protocols in force, as opposed to only 9 in April 2000 when the last Treaty on the Non-Proliferation of Nuclear Weapons Review Conference was held. It is worth mentioning that 24 countries brought into force additional protocols in 2004, although the number has not reached a substantial level. Japan urges those States parties that have not yet concluded a comprehensive safeguards agreement and/or an additional protocol with the IAEA to do so without further delay. Japan believes that the strengthened safeguards system should constitute the NPT safeguards standard as required by paragraph 1 of article III of the Treaty on the Non-Proliferation of Nuclear Weapons from a certain date.

36. Japan welcomes the IAEA's completion of the conceptual framework for integrated safeguards as well as its application to those States parties that have achieved a good track record on the IAEA safeguards activities based on both comprehensive safeguards agreements and additional protocols. Japan recognizes the importance of promoting the adoption of integrated safeguards with a view to maximizing the effectiveness and the efficiency of the IAEA's safeguards activities within available resources, given the limited safeguards resources and ever-growing verification needs. Japan encourages the IAEA to take the necessary steps to strengthen integrated safeguards approaches. Japan reminds all States parties that the introduction of integrated safeguards in a State requires sincere implementation of its comprehensive safeguards agreement as well as its additional protocol.

37. Recognizing the strong necessity of taking further measures to close the loopholes of the Treaty on the Non-Proliferation of Nuclear Weapons/IAEA regimes, Japan supports the idea of creating the IAEA Special Committee on Safeguards and Verification, which was formally proposed and discussed at the IAEA Board of Governors Meeting in March 2005. Japan is ready to participate in further discussion on the matter.

38. Moreover, strengthening the non-proliferation regime is a matter which should also involve non-States parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Given the imminent importance of enhancing non-proliferation, Japan calls upon non-States parties to place all nuclear material under IAEA safeguards and conclude an additional protocol.

(b) Export controls

39. The role of export controls, as required by paragraph 2 of article III of the Treaty, is crucial to achieving nuclear non-proliferation. The revelation of Dr. Khan's underground network has reinforced the importance of export controls as a key towards that goal.

40. In that regard, the multinational export control regimes for nuclear-related materials, equipment and technology, i.e., the Zangger Committee and the Nuclear Suppliers Group, have played an important role in ensuring the implementation of the obligation with regard to export controls under the Treaty. Japan urges those States parties that have not yet done so to establish and implement appropriate effective national rules and regulations on export controls over both nuclear and nuclear-related dual-use items, based on the Zangger Committee Understandings

(INFCIRC/209/Rev.2) and the Nuclear Suppliers Group Guidelines (INFCIRC/254/Rev.7/Part 1 and INFCIRC/254/Rev.6/Part 2). In this regard, Japan notes that Security Council resolution 1540 (2004) of 28 April 2004 requires all States to establish, develop, review and maintain appropriate effective national export controls.

41. As called upon by previous Review Conferences of the Treaty, the Zangger Committee and the Nuclear Suppliers Group have been actively engaged in outreach activities to help the States parties to better understand the activities of the Zangger Committee and the Nuclear Suppliers Group, and also help them to establish their domestic export control laws and regulations. Japan believes that those multinational export control regimes can play an even more crucial role in assisting the States parties to establish and implement appropriate effective national laws and regulations with regard to export controls, as required by the Security Council in its resolution 1540 (2004).

Special controls on the transfer of sensitive material, facilities, equipment and technology

42. In particular, Japan recognizes the necessity of introducing new measures to place special controls on the transfer of sensitive material, facilities, equipment and technology that could be used in the development of nuclear weapons, such as those related to enrichment and reprocessing, and urges all States parties to exercise restraint in and vigilance over such transfer. In that regard, Japan welcomes the continuing, devoted efforts to update the Nuclear Suppliers Group Guidelines by the Nuclear Suppliers Group participating Governments.

IAEA Additional Protocol as a precondition of supply

43. With regard to the required safeguards in paragraph 2 of article III of the Treaty, Japan urges the States parties to reaffirm paragraph 12 of Decision 2 (Principles and objectives for nuclear non-proliferation and disarmament), adopted on 11 May 1995 by the Review and Extension Conference of the Parties to the Treaty, in which States parties agreed that new nuclear supply arrangements to non-nuclear-weapon States should require, as a necessary precondition, acceptance of IAEA's full-scope safeguards. Japan further urges the States parties to agree that new nuclear supply arrangements of all the items in the Trigger List of the Zangger Committee Understandings and of the Nuclear Suppliers Group Part 1 Guidelines to non-nuclear-weapon States should require, as a necessary precondition, the conclusion of additional protocols. In that regard, Japan welcomes the continuing, devoted efforts to update the Zangger Committee Understandings and the Nuclear Suppliers Group Guidelines by participating Governments of the respective multinational export control regimes.

Means of delivery of nuclear weapons

44. Recalling that the preamble of the Treaty refers to the elimination from national arsenals of nuclear weapons and the means of their delivery, the issue of proliferation of nuclear weapons should be addressed in conjunction with the issue of proliferation of their means of delivery.

45. In that regard, the multinational export control regime for the means of delivery of weapons of mass destruction, and related materials, equipment and

technology, i.e., Missile Technology Control Regime, has played a significant role in confining the risk of proliferation of such means of delivery. Japan continues to maintain stringent export controls as a member of the Missile Technology Control Regime to prevent the proliferation of means of delivery of weapons of mass destruction, and related materials, equipment and technologies.

46. Furthermore, Japan was deeply involved in and contributed to the drafting of the Hague Code of Conduct against Ballistic Missile Proliferation. Japan highly values the successful launch of the Hague Code in November 2002 and the adoption by the General Assembly of resolution 59/91 of 3 December 2004 on the Hague Code of Conduct against Ballistic Missile Proliferation with 161 countries' support, and has been making efforts to universalize the Hague Code by promoting dialogue with non-participating States, in particular ASEAN countries.

(c) Measures against nuclear terrorism

47. Since 11 September 2001, the international community has renewed its awareness of the real and imminent threat of the acquisition by terrorists of nuclear weapons and material. In order to prevent terrorism involving nuclear weapons or material, the international community must cooperate at the regional and international levels, and exert individual and collective efforts in relation to exchanges of information, border control and physical protection of nuclear material and nuclear facilities. In that respect, Japan urges the States parties to the Convention on the Physical Protection of Nuclear Material to participate in the Conference of Plenipotentiaries in July 2005 and to agree on amendments to strengthen the Convention on the Physical Protection of Nuclear Material.

48. The IAEA has an essential role to play in that area. Japan has already contributed half a million United States dollars to the IAEA's Nuclear Security Fund, and has financed, jointly with other like-minded countries, the project to upgrade the nuclear material accounting and control system in the ULBA Fuel Fabrication Facility in Kazakhstan. Since the safe and secure management of radioactive sources is becoming increasingly important, Japan supports the United States proposal to improve global control of radioactive sources. Japan also supports the revised Code of Conduct on the Safety and Security of Radioactive Sources, endorsed at the IAEA General Conference in September 2003, as well as Guidance on the Import and Export of Radioactive Sources approved at the IAEA Board of Governors in 2004, and calls upon other countries to support and take the necessary measures to implement them.

49. Japan is certain that the Additional Protocol can play a meaningful role in preventing such sensitive materials from falling into the hands of terrorists because it enables the IAEA to receive additional information on the export and import of nuclear source material, non-nuclear material and equipment, which are not covered by the Comprehensive Safeguards Agreement. The conclusion of additional protocols should therefore be promoted also from the viewpoint of anti-terrorism.

(d) Multilateral Approaches to the Nuclear Fuel Cycle

50. Japan shares the view that the international nuclear non-proliferation regime urgently needs to be strengthened in order to maintain and improve the peace and stability of the international community. A strengthened regime is also vital for improving the security environment of Japan, which is directly faced with the

threats posed by the nuclear programmes of the Democratic People's Republic of Korea. With regard to Multilateral Approaches to the Nuclear Fuel Cycle, Japan appreciates the intensive efforts made by the International Expert Group to produce a report on the issue.

51. The Multilateral Nuclear Approaches report, in order to maintain that momentum, suggests five possible approaches and recommends that attention be given to them by the IAEA member States, by the IAEA itself, by the nuclear industry and by other nuclear organizations. Japan strongly believes that if further consideration is to be made by the international community on that issue, the following points, which were not sufficiently discussed by the International Expert Group, owing partly to its limited mandate, should be fully discussed.

52. First, careful examination is necessary on how the Multilateral Nuclear Approaches can contribute to the strengthening of the international nuclear non-proliferation regime. In particular, it is necessary to examine very thoroughly whether and how the Multilateral Nuclear Approaches will actually contribute to solving the issues of countries that have already violated their international obligations on non-proliferation, or of countries of proliferation concern that may fall in violation in the future.

53. Second, it is also important to examine whether the Multilateral Nuclear Approaches will not unduly affect the peaceful uses of nuclear energy by a non-nuclear-weapon State that carries out nuclear activities with the confidence of the international community by faithfully fulfilling its Treaty on the Non-Proliferation of Nuclear Weapons obligations and by ensuring high transparency of its nuclear activities. The Multilateral Nuclear Approaches should not affect the peaceful uses of nuclear energy by such a non-nuclear-weapon State, particularly when the State has ratified and is fully implementing both its comprehensive safeguards agreement and additional protocol, and, as a result, has been accorded a conclusion from the IAEA secretariat that there was no indication of diversion of declared nuclear material placed under safeguards or of undeclared nuclear material and activities for the State as a whole.

54. Finally, more study needs to be undertaken on how the Multilateral Nuclear Approaches can actually guarantee supply of nuclear fuel and services, given the fact that the supply of nuclear fuel and services can easily be affected by the international political situation and is therefore unpredictable by nature. Of particular importance is the issue of how the IAEA could be an effective guarantor of nuclear fuel and services under such circumstances.

55. Japan strongly believes that if the international community agrees to continue the discussion on the Multilateral Nuclear Approaches, the above-mentioned points should be addressed and thoroughly examined.

4. Peaceful uses of nuclear energy

56. Under the Treaty on the Non-Proliferation of Nuclear Weapons, all the States parties enjoy the inalienable right to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with its articles I, II and III.

57. Japan is fully committed to respecting that right as long as the purpose of such development is exclusively peaceful. At the same time, however, recent cases relating to compliance with Treaty on the Non-Proliferation of Nuclear Weapons obligations have indicated that the international community should be vigilant against possible exploitation of that right under the cover of "peaceful" purposes.

58. Safeguards by the IAEA have been incorporated as an essential part in the Treaty on the Non-Proliferation of Nuclear Weapons in order to prevent such exploitation. Therefore, it is vitally important for all the States parties to fully comply with all obligations under the Treaty, including those of non-nuclear-weapon States parties to accept safeguards, with a view to preventing the diversion of nuclear energy for peaceful uses to nuclear weapons or other nuclear explosive devices. In the light of the importance of that issue, Japan is ready to actively participate in discussions on how to address the issue of the possible exploitation of the right of peaceful uses of nuclear energy. However, any measure against such possible exploitation should not unduly affect the peaceful uses of nuclear energy by a non-nuclear-weapon State that carries out nuclear activities with the confidence of the international community by faithfully fulfilling its Treaty obligations and by ensuring high transparency of its nuclear activities.

59. Japan, as a State party to the Treaty on the Non-Proliferation of Nuclear Weapons, has enjoyed and promoted the right of the use of nuclear energy for peaceful purposes with the confidence of the international community. Japan has fully complied with its IAEA comprehensive safeguards agreement and its additional protocol, and ensured high transparency of its nuclear activities, including those relating to plutonium, in order to increase international confidence.

60. The use of nuclear energy for peaceful purposes is vital, not only to securing a stable energy supply, but also to preventing global warming. Japan is pursuing the research and development of innovative nuclear systems that would be safer, more efficient, as well as more diversion and proliferation-resistant, and that would help to extend the scope of the use of nuclear energy to new areas such as hydrogen production.

61. Japan also places the highest priority on the safety of its nuclear activities and facilities. In that connection, Japan believes that the Convention on Nuclear Safety and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management are of great importance and urges those countries that have not yet concluded those Conventions to do so as soon as possible. Japan wishes to note that the First Review Meeting on the Joint Convention, which took place in November 2003, in Vienna, contributed to enhancing the global safety of spent fuel and radioactive waste management. In that context, the Third Review Meeting pursuant to the Convention on Nuclear Safety, in April, 2005, also played a significant role in enhancing global nuclear safety. Furthermore, Japan recognizes the important role of the IAEA in strengthening the global "safety culture" taking into account the guidelines for safety and training, and will continue to make contributions to the IAEA's activities. In that context, Japan has greatly contributed to the IAEA's efforts, such as the Asian Nuclear Safety Network, in improving nuclear safety in the Asian region.

62. International technical cooperation in the area of the peaceful use of nuclear technology is one of the three pillars of the IAEA, and plays a key role in achieving the goal of the Treaty on the Non-Proliferation of Nuclear Weapons. Therefore,

Japan will continue to make positive contributions towards the promotion of technical cooperation in that area. Japan has been a major contributor to the IAEA Technical Cooperation Fund and, since 1959, has paid its share of the Technical Cooperation Fund in full. Japan urges the IAEA member States to pay in full and on time their respective shares of the Technical Cooperation Fund targets, on the basis of shared responsibility. Japan firmly believes that the IAEA member States and secretariat should make efforts to ensure that the Technical Cooperation Programme is implemented effectively, with efficient management by the IAEA secretariat. Japan will continue to take an active part in international cooperation in the peaceful uses of nuclear energy through various schemes, including the Regional Cooperative Agreement for Asia and the Pacific as well as the Forum for Nuclear Cooperation in Asia.

63. Japan acknowledges the significant role of the IAEA, not only in the area of power generation, but also in the field of human health, agriculture, food and sanitary and water resources, and will continue to make contributions to the IAEA's activities in those fields, in the hope that such activities will help to promote a better public understanding of the peaceful use of nuclear science and technology.

64. Given the international nature of nuclear activities, including power generation and human health, the transport of radioactive materials, which a number of countries have been conducting, is an essential element in the peaceful use of nuclear energy. Therefore, ensuring the smooth transport of radioactive materials is an important issue for all countries that support the peaceful use of nuclear energy. Transport of radioactive materials has been conducted based on the right of navigation established in international law, with the most prudent precautionary measures taken to ensure safety in conformity with the international standards and guidelines set by credible international organizations, such as the International Maritime Organization and the IAEA. In addition, relevant information on radioactive transport has been, and will be, provided on a voluntary basis to the States concerned to the fullest possible extent on the basis of the due consideration of safety, security and the smooth implementation of such transport.

65. Maritime and air navigation right and freedom should be reaffirmed, as provided for in international law and as reflected in relevant international instruments. Japan wishes to point out that its current regulations provide a good basis for an effective regulatory process and a historically excellent safety record, and that such a record can best be maintained by continuing efforts to improve the regulatory and operational practices, and to ensure full compliance with relevant standards and the strict implementation of guidelines, including the IAEA's regulations for the safe transport of radioactive material. Japan has requested that the IAEA organize a Transport Safety Appraisal Service mission this fiscal year, with a view to having an objective assessment of Japan's national regulations of transport safety. Japan fully associates itself with the International Action Plan for the Transport of Radioactive Material adopted by the IAEA Board of Governors in March 2004, based on the result of the International Conference on the Safety of Transport of Radioactive Material, held in Vienna in July 2003.

5. Universality and compliance

(a) Universality

66. Japan welcomes the accession to the Treaty on the Non-Proliferation of Nuclear Weapons by Cuba in November 2002 and by Timor-Leste in May 2003. Japan believes that their accession should lead to further strengthening of the Treaty on the Non-Proliferation of Nuclear Weapons regime. The Treaty on the Non-Proliferation of Nuclear Weapons has attained almost worldwide universality. In 1998, the Treaty on the Non-Proliferation of Nuclear Weapons regime was challenged when India and Pakistan conducted nuclear-weapon test explosions. At the 2000 Review Conference, the States parties made it clear that those two countries would not receive new nuclear-weapon State status or any special status whatsoever. Japan continues to urge the two countries to join the Treaty on the Non-Proliferation of Nuclear Weapons as non-nuclear-weapon States, to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty. Lack of progress in the establishment of a weapons-of-mass-destruction-free zone in the Middle East also poses serious concern for the credibility of the Treaty on the Non-Proliferation of Nuclear Weapons. Strenuous efforts should be maintained to urge early accession to the Treaty on the Non-Proliferation of Nuclear Weapons by the remaining non-party States, namely India, Israel and Pakistan, in accordance with Security Council resolution 1172 (1998) and the Final Document of the 2000 Treaty on the Non-Proliferation of Nuclear Weapons Review Conference. The non-States parties should also be urged to refrain from acts which would defeat the object and purpose of the Treaty as well as to take practical steps in support of the Treaty, pending their accession to the Treaty as non-nuclear-weapon States.

(b) Compliance

Democratic People's Republic of Korea

67. Japan expresses grave concern over the Democratic People's Republic of Korea's nuclear programs, which are a direct threat to Japan's national security and undermine peace and stability on the Korean peninsula and beyond. Japan also expresses deep concern regarding the Democratic People's Republic of Korea's decision in 2003 to withdraw from the Treaty, which continues to represent a serious challenge to the global non-proliferation regime. Furthermore, Japan expresses its utmost regret and deep concern over the statement of the Foreign Ministry of the Democratic People's Republic of Korea on 10 February 2005, which announced that it would suspend its participation in the Six-Party Talks for an indefinite period and that it had manufactured nuclear weapons. The development, acquisition or possession, test or transfer of nuclear weapons by the Democratic People's Republic of Korea can in no way be tolerated.

68. Japan urges the Democratic People's Republic of Korea to promptly come into compliance with the Treaty on the Non-Proliferation of Nuclear Weapons and completely dismantle all of its nuclear programmes, including its uranium enrichment programmes, in a permanent, thorough and transparent manner subject to credible international verification. Japan also urges the Democratic People's Republic of Korea not to further develop, test, produce, deploy or export missiles and related goods and services, and to maintain its missile moratorium indefinitely. Japan stresses that the Korean peninsula must be denuclearized, while the peace,

security and stability of the region should be strengthened and the legitimate interests and concerns of the relevant parties should be satisfied. Furthermore, Japan calls on the international community not to engage in any transaction of proliferation concern with the Democratic People's Republic of Korea.

69. Japan emphasizes the importance of peacefully resolving that issue through diplomatic means within the framework of the Six-Party Talks. The Six-Party Talks remains the most appropriate framework and should be fully utilized. Japan has long urged the Democratic People's Republic of Korea to expeditiously return to the Six-Party Talks without preconditions. Japan, together with other partners, will continue to make every effort towards a resolution by diplomatic efforts, primarily by contributing to the Six-Party Talks. Furthermore, Japan believes that, should there be no progress made towards resolving the Democratic People's Republic of Korea nuclear issue, the international community should be prepared to consider other measures necessary to peacefully resolve the situation.

Iran (Islamic Republic of)

70. Recognizing the efforts made by the international community, especially EU3 (France, Germany, United Kingdom)/EU and the Islamic Republic of Iran, to pursue the peaceful resolution of the Iranian nuclear issue, Japan recognizes the importance of the fact that Iran has voluntarily continued and extended its suspension of all uranium enrichment-related and reprocessing activities. At the same time, Japan reaffirms its strong concern that Iran's policy of concealment up to October 2003 has resulted in many breaches of Iran's obligations to comply with its safeguards agreement with the IAEA. There are still outstanding issues to be resolved and clarified.

71. Japan believes that, in order to dispel the serious concerns of the international community, it is essential for Iran to sincerely implement all the requirements of the relevant IAEA resolutions, including the suspension of its enrichment-related and reprocessing activities without exception. In that light, it is equally important that Iran promptly ratify its additional protocol, and continue to positively cooperate with the IAEA by providing adequate and complete information and any access deemed necessary by the IAEA. Japan expects the current negotiation process between EU3/EU and Iran to result in success. In particular, Japan considers it extremely important that Iran, through its negotiations with the EU3/EU, agree to provide sufficient "objective guarantees" that its nuclear programme is exclusively for peaceful purposes.

Libyan Arab Jamahiriya

72. Japan welcomes the decision of the Libyan Arab Jamahiriya, announced in December 2003, to abandon all of its weapons of mass destruction programmes, while expressing concern over Libya's past failures to meet the requirements of its safeguards agreement, which constituted non-compliance. Japan also welcomes Libya's signing of its additional protocol in March 2004 and its decision to implement the protocol before ratification, and calls upon Libya to promptly ratify the protocol. Japan strongly hopes that the Democratic People's Republic of Korea and those States that are subject to suspicion for developing weapons of mass destruction will follow Libya's example.

Treaty on the Non-Proliferation of Nuclear Weapons non-proliferation obligations

73. The Treaty has served as a cornerstone of international peace and security since its entry into force in 1970. The States parties' obligations required by the Treaty, therefore, must be fulfilled to the fullest extent. In that regard, the States parties should agree that in case of non-compliance of non-proliferation obligations by a non-nuclear-weapon State, nuclear cooperation such as the transfer of the items in the Trigger List of the Zangger Committee Understandings and that of the Nuclear Suppliers Group Part 1 Guidelines should be halted. Japan welcomes the continuing, devoted efforts to update the Nuclear Suppliers Group Guidelines on that issue by the Nuclear Suppliers Group participating Governments.

6. Withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons

74. Japan takes the issue of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons extremely seriously. It should not be tolerated that a State withdraws from the Treaty after having developed nuclear-weapon capabilities under false pretences. Withdrawal of any State from the Treaty would significantly undermine the universality of the Treaty on the Non-Proliferation of Nuclear Weapons and the confidence of the States parties in the international nuclear non-proliferation regime based on the Treaty on the Non-Proliferation of Nuclear Weapons. The States parties should properly address that issue at the 2005 Review Conference and reaffirm that a State party which has withdrawn from the Treaty remains responsible for violations it committed while a party.

75. Japan believes that the best way to deal with that issue is to deter withdrawal by making it more costly. A State withdrawing from the Treaty should not be allowed to make military use of nuclear capabilities acquired under the pretext of the peaceful use of nuclear energy, while being a party to the Treaty, by virtue of article IV of the Treaty.

76. In that regard, Japan also believes that the States parties should urge any supplier country of nuclear material, facilities, equipment, etc., to make necessary arrangements entitling it to require the return of any nuclear material, facilities, equipment, etc., transferred prior to the withdrawal or their neutralization.

7. Nuclear-weapon-free zones and negative security assurances

(a) Nuclear-weapon-free zones

77. Japan supports the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at by the States of the regions concerned and on the condition that the establishment of such zones would contribute to regional stability and security. In that regard, lack of progress in the establishment of a zone free of weapons of mass destruction in the Middle East poses a serious concern. Japan supported, and continues to fully support, General Assembly resolution 50/66 of 12 December 1995 on the Middle East, which calls for the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems. Japan believes that

progress in the establishment of a zone free of weapons of mass destruction in the Middle East will further strengthen the credibility of the Treaty on the Non-Proliferation of Nuclear Weapons.

78. Japan is firmly committed to supporting the Middle East peace process, a key to achieving regional stability. Such stability is a vital factor in establishing conditions for a zone free of weapons of mass destruction. Japan will intensify political consultation with the Israelis and the Palestinians in order to encourage their peace efforts and will assist the Palestinians to help them establish an independent State according to the Road Map.

79. Japan appreciates the efforts made by the countries of Central Asia to establish a nuclear-weapon-free zone in that region as contributing to the prevention of nuclear terrorism. Japan hopes that satisfying conclusions for all concerned States will be reached at the consultation between the five nuclear-weapon States and the five countries of Central Asia, and that such an outcome will be recognized as a new achievement in the field of disarmament and non-proliferation. In view of this, Japan has been supporting the work of the Department of Disarmament Affairs of the Secretariat in establishing a nuclear-weapon-free zone in Central Asia.

(b) Negative security assurances

80. It is important to consider and discuss security assurances for non-nuclear-weapon States of the Treaty on the Non-Proliferation of Nuclear Weapons, based on Security Council resolution 984 (1995) as well as the relevant declarations of nuclear-weapon States. From that viewpoint, Japan supports the idea that a programme of work, containing the establishment of an ad hoc committee on negative security assurances, will be agreed upon at the Conference on Disarmament.

8. Strengthening dialogue with civil society and future generations

81. In order to advance disarmament and non-proliferation, it is essential to gain the understanding and support of young people who will lead future generations, as well as civil society as a whole.

82. Japan welcomes the report of the Secretary-General entitled "United Nations Study on Disarmament and Non-proliferation Education", which was prepared by the Group of Governmental Experts on Disarmament and Non-proliferation Education. The report stresses the importance of education on disarmament and non-proliferation for future generations and contains practical recommendations on the promotion of disarmament and non-proliferation education and training. Japan has been making various efforts to contribute to the implementation of those recommendations, such as inviting disarmament educators from overseas. During the United Nations Disarmament Conference held in Osaka in August 2003 and in Sapporo in July 2004, Japan co-sponsored with the United Nations a "Citizens' Forum on Disarmament and Non-proliferation Education".

83. Japan, together with Egypt, Hungary, Mexico, New Zealand, Peru, Poland and Sweden, submitted working papers on disarmament and non-proliferation education at the second and third sessions of the Preparatory Committee for the 2005 Treaty

on the Non-Proliferation of Nuclear Weapons Review Conference as well as to the 2005 Treaty on the Non-Proliferation of Nuclear Weapons Review Conference.

84. In that regard, over the past 20 years, Japan has invited more than 550 participants in the United Nations disarmament fellowship programme to Hiroshima and Nagasaki, providing these young people, who will be responsible for future disarmament diplomacy, with the opportunity to understand the tragic devastation and long-lasting consequences caused by atomic bombs. Japan intends to continue to make such efforts.

85. A regional disarmament conference is also an effective means to enhance awareness of the issue of disarmament in regions concerned. Every year, Japan supports the United Nations Conference on Disarmament Issues in a local city, thereby providing a valuable opportunity for distinguished disarmament experts, not only from the Asia and Pacific region, but also from around the world, to engage in useful discussions.

86. Japan attaches importance to the constructive role played by civil society in promoting nuclear non-proliferation and nuclear disarmament. In view of the importance of dialogue with non-governmental organizations, Japan appreciates that, on the basis of the agreement at the 2000 Review Conference, a non-governmental organization session is being held during this Review Conference.

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Working paper submitted by Norway

NPT — a dynamic instrument and core pillar of international security

1. The present security environment is radically different from the one existing 35 years ago, when the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) entered into force in 1970. We are facing new threats in connection with the proliferation of weapons of mass destruction and the danger that terrorist groups may acquire such deadly weapons.

2. The Treaty is the first line of defence against the spread of nuclear weapons. It is essential to ensure full compliance with all the provisions of the Treaty.

3. The States parties have a collective responsibility to preserve and strengthen the authority of the Treaty. The 2005 Review Conference provides an opportunity to demonstrate to the international community that the Treaty remains a dynamic instrument for providing added security value. The conference should reconfirm the interlinkage between nuclear non-proliferation, disarmament and peaceful use. We need to ensure that the outcome of the Review Conference is positive, balanced and forward-looking.

Strengthening the non-proliferation regime

4. The Treaty on the Non-Proliferation of Nuclear Weapons has established a fundamental norm by emphasizing verification and confidence-building. Given the new security threats, it is imperative to strengthen the non-proliferation dimension of the Treaty.

5. Norway advocates the following:

(a) The Review Conference should recognize the Comprehensive Safeguards Agreements and the Additional Protocol of the International Atomic Energy Agency (IAEA) as the verification norm under the Treaty. Ratification and implementation of these two instruments should be mandatory for all States parties and should be considered a condition for participation in peaceful nuclear cooperation;

(b) The Review Conference should call for the negotiation of an international non-discriminatory and effectively verifiable fissile materials cut-off treaty without delay;

(c) Pending the conclusion of a fissile materials cut-off treaty, all nuclear-weapon States should formally declare and/or reconfirm moratoriums on the production of fissile material for nuclear weapons purposes and take appropriate transparency measures such as allowing IAEA monitoring;

(d) All nuclear-weapon States should place fissile material designated as no longer required for military purposes under the IAEA verification regime;

(e) The Trilateral Initiative (on fissile material) between the United States of America, the Russian Federation and IAEA should be completed. Other nuclear-weapon States should be encouraged to enter into similar arrangements;

(f) The Review Conference should endorse the IAEA instruments on nuclear security and non-proliferation. Likewise, it should call for the universalization and further strengthening of the Convention on the Physical Protection of Nuclear Material and for the universalization of the IAEA Code of Conduct on the Safety and Security of Radioactive Sources. The Review Conference should also encourage all States parties to contribute to the IAEA Nuclear Security Fund;

(g) The Review Conference should call for increased international coordination of national export policies and underline the importance of all States parties adhering to the understandings of the Zangger Committee and the guidelines of the Nuclear Suppliers Group;

(h) The international community should identify pragmatic ways of engaging the remaining three countries outside the Treaty in constructive non-proliferation cooperation, pending their accession as non-nuclear-weapon States;

(i) The Review Conference should encourage a moratorium on the development of new nuclear fuel cycle systems until agreement can be reached on a multilateral arrangement based on the report of the IAEA Expert Group on Multinational Approaches to the Nuclear Fuel Cycle;

(j) The Review Conference should encourage a moratorium on the production and use of highly enriched uranium, like the moratorium on the production of weapons-grade material declared by certain nuclear-weapon States. The long-term objective should be the establishment of a total ban;

(k) NPT States parties should express their full support for Security Council resolution 1540 (2004) and their readiness to participate unconditionally in its implementation;

(l) The Review Conference should recognize the useful complementary role played by cooperative threat reduction initiatives in upholding the NPT norm, such as the Group of Eight Partnership against the Spread of Weapons and Materials of Mass Destruction, the Global Threat Reduction Initiative, the European Union Strategy against Proliferation of Weapons of Mass Destruction and the Proliferation Security Initiative.

Moving the disarmament agenda forward

6. Disarmament forms an integral part of the NPT bargain. The principles and objectives adopted at the 1995 Review and Extension Conference prescribe concrete measures for promoting nuclear disarmament. The commitments adopted at the 2000 Review Conference provide an even more specific and systematic step-by-step approach to nuclear disarmament.

7. Much has been achieved in the field of disarmament. The cessation of the nuclear arms race is a reality. There have been considerable reductions in nuclear weapons arsenals. The Strategic Offensive Reductions Treaty represents an important contribution to the implementation of article VI. There are, however, still around 30,000 nuclear warheads in the world. Important disarmament milestones such as the entry into force of the Comprehensive Nuclear-Test-Ban Treaty and the conclusion of the fissile material cut-off treaty negotiations have not been reached.

8. Norway advocates:

(a) Reaffirmation of the NPT disarmament commitments and agreed undertakings from previous review conferences, including the 13 practical steps;

(b) Increased transparency in the implementation of the disarmament commitments through regular reporting;

(c) Further nuclear arms reductions based on the principles of irreversibility and transparency;

(d) Such arms reductions should also include sub-strategic nuclear weapons through full implementation of the Presidential Nuclear Initiatives of 1991 and 1992 and their gradual codification;

(e) An early entry into force of the Comprehensive Nuclear-Test-Ban Treaty. In the meantime, the nuclear-weapon States should declare or reconfirm moratoriums on nuclear weapons test explosions and all other nuclear explosions;

(f) The negotiation of a fissile material cut-off treaty with clear disarmament objectives, which also addresses the issue of existing stocks;

(g) Reaffirmation of the undertaking to reduce the role of nuclear weapons in national security and defence policies by refraining from vertical proliferation;

(h) Efforts to encourage countries outside the Treaty on the Non-Proliferation of Nuclear Weapons to subscribe to the disarmament commitments of the Treaty.

Peaceful use

9. Although Norway does not produce nuclear energy, it fully recognizes the inalienable right to the peaceful use of nuclear energy and nuclear technology. The rights set out in article IV must not, however, be to the detriment of non-proliferation efforts and environmental concerns. For this reason Norway has taken the lead in IAEA in the development of the IAEA International Action Plan for Strengthening the International Preparedness and Response System for Nuclear and Radiological Emergencies.

10. Norway advocates:

(a) Support for the IAEA technical cooperation in the field of nuclear safety and security;

(b) Universalization and further strengthening of the IAEA Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management;

(c) Endorsement of the IAEA Code of Conduct on the Safety of Research Reactors;

(d) Support for the IAEA International Action Plan for Strengthening the International Preparedness and Response System for Nuclear and Radiological Emergencies;

(e) Full support for the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency.

Sustaining the NPT

11. Nuclear-weapon-free zones created on the basis of arrangements freely arrived at by the States in the region concerned, are important for sustaining the nuclear non-proliferation regime and for promoting disarmament. Previous review conferences have underlined the importance of negative security assurances and the relevance of Security Council resolution 984 (1995) and the unilateral declarations of the nuclear-weapon States.

12. The announced withdrawal of the Democratic People's Republic of Korea from the Treaty on the Non-Proliferation of Nuclear Weapons poses a fundamental challenge to the Treaty. It is essential to further develop disincentives to withdrawal from the Treaty. States parties should formally address fundamental challenges. This can be done by strengthening the institutional machinery of the Treaty.

13. Norway advocates:

(a) Support for existing and entry into force of agreed nuclear-weapon-free zones. States parties to nuclear-weapon-free-zone agreements are encouraged to further enhance non-proliferation efforts by making the IAEA Additional Protocol mandatory;

(b) Nuclear-weapon States should support the nuclear-weapon-free zones by signing relevant protocols for negative security assurances;

(c) The development of nuclear-weapon-free zones in areas of tension, such as the Middle East. Such zones would contribute to nuclear disarmament;

(d) Nuclear-weapon States should adhere to their unilateral declarations of 1995 and be ready to enter into negotiations on legally binding negative security assurances;

(e) The Review Conference should outline new disincentives against withdrawal from the Treaty. The role of the Security Council is essential in this respect;

(f) States Parties must be able to deal with cases of non-compliance while recognizing the statutory role of the Security Council and the IAEA Board of Governors;

(g) The Review Conference should strengthen the institutional machinery of the Treaty on the Non-Proliferation of Nuclear Weapons, for example by instituting formal annual meetings of the States parties supported by a standing bureau and adequate secretariat services;

(h) The bureau of the annual meetings should be authorized to convene special meetings of the States parties during the following year in the case of an emergency, unless it is more appropriate for it to be handled by IAEA and the Security Council.

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Transparency, verification and irreversibility: essential principles in the process of nuclear disarmament

Working paper by the Republic of Cuba

1. The Treaty on the Non-Proliferation of Nuclear Weapons is based on three fundamental pillars: non-proliferation, disarmament, and cooperation for the peaceful use of nuclear energy. All States parties must comply with all their obligations in accordance with each and every one of the articles of the Treaty.

2. Unfortunately, while more and more is demanded of the non-nuclear-weapon States in the field of verification and transparency to ensure non-proliferation, there has been little or no progress by the nuclear Powers towards achieving the goal of nuclear disarmament, which should be governed by those same principles and also by that of irreversibility.

3. Although there are two international legal regimes prohibiting the development and use of the other types of weapons of mass destruction, chemical and biological, unfortunately the same has not taken place in the area of nuclear weapons. The obstructionist attitude of the biggest nuclear power has prevented negotiations from being undertaken at the Disarmament Conference on the subject of a multilateral convention on nuclear disarmament.

4. In the area of chemical weapons, particularly, humanity greatly appreciates the fact that multilateral negotiations have led to a convention based on an integrated and balanced approach, guaranteeing the complete elimination of chemical weapons through a transparent, verifiable and irreversible process.

5. Why should we not achieve something similar in the nuclear field? Is it so difficult to understand that only a comprehensive approach including the components of disarmament and irreversibility, non-proliferation, assistance and cooperation, transparency and mutual trust, verification and security can ensure that we achieve the complete elimination of nuclear weapons, so that they will no longer threaten the devastation and destruction of our planet and of humanity?

6. The non-nuclear-weapon States parties to the Treaty, in a noble gesture for world peace and security, have voluntarily renounced possession of nuclear weapons and, in the context of that Treaty, have accepted the obligation of monitoring of their

activities in the nuclear field. Nonetheless, the commitments and obligations of the States parties to the Treaty have been neither reciprocal nor equivalent. The true scale of the nuclear arsenal possessed by the nuclear Powers recognized in the Treaty is unknown. There are no mechanisms for verification of compliance with the agreements, conventions and official pronouncements on nuclear arms reduction adopted bilaterally or unilaterally. Still less are there any multilateral verification mechanisms relating to the elimination or dismantling of such weapons. Progress in compliance with article VI of the Treaty, in respect of which the nuclear Powers have an essential responsibility, has therefore been minimal or non-existent. This serves only to perpetuate the selective and discriminatory character of the Treaty.

7. The privilege of possessing nuclear weapons must not be eternal. The nuclear-weapon States have an obligation, pursuant to the provisions of the Treaty and jointly with the other States parties, to hold negotiations for nuclear disarmament. A fundamental aspect of those negotiations is that they must take into account the essential principles of verification, transparency and irreversibility.

8. Article VI of the Treaty is clear concerning the achievement of nuclear disarmament, specifying that "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control". The International Court of Justice has also pronounced on this obligation, in its unanimous opinion of 8 July 1996.

9. The aforementioned principles of verification, transparency and irreversibility should be incorporated in the framework of any agreement or action to reduce or eliminate any category of nuclear weapons, whether adopted at the multilateral, plurilateral or bilateral level or whether they are unilateral decisions. This includes actions or agreements relating to non-strategic nuclear weapons, as well as those concerning launching systems or the use of nuclear weapons of any kind.

Application of the principles of verification, transparency and irreversibility in the nuclear disarmament process

Verification

10. Only the implementation of the principle of verification in the nuclear disarmament process can guarantee the "strict and effective international control" referred to in article VI of the Treaty. An effective system of verification will ensure the necessary transparency and mutual trust among all States involved in the nuclear disarmament process, and prevent or minimize the dangers of diversion for terrorist uses of nuclear weapons, their delivery systems or related materials.

11. The application of the principle of verification, together with that of transparency, will prevent the conduct of nuclear tests of all types and, therefore, the development of new nuclear weapons, or modifications of existing weapons and of systems for their launching and use.

12. The International Atomic Energy Agency (IAEA) has an essential part to play in the application of the verification principle. Through the implementation of the safeguards system, the Agency's task is to ensure that nuclear energy can be used only for peaceful purposes by the non-nuclear-weapon States parties. Cuba fully

supports the Agency's role in verifying compliance with the worldwide safeguards regime provided for in the Treaty.

13. That regime, however, needs to be strengthened, since it is still limited to that aspect of non-proliferation known as "horizontal", and does not include areas such as the development of new nuclear weapons and related devices, excess fissile material in the possession of the nuclear Powers which is not destined for military uses, and the final use of such material. It should also include verification of measures to eliminate or reduce nuclear weapons which have been agreed upon in bilateral treaties and unilateral decisions. Of course, IAEA should also have an essential role in verifying compliance with any multilateral treaty designed to achieve the total elimination of nuclear weapons.

Transparency

14. Compliance with the principle of verification entails the necessity of simultaneous application of the principle of transparency, which is vital in any disarmament process, especially nuclear disarmament, which is particularly sensitive and a matter of universal concern.

15. Under the principle of transparency, all States parties to the Treaty must accept that an effective and rapid nuclear disarmament process entails mutual trust. This in turn means, inter alia, the availability of information and real knowledge of stocks of nuclear weapons from both quantitative and qualitative viewpoints; true and verifiable information on progress in the reduction and elimination of nuclear weapons within determined periods of time; and information on the application of the principle of irreversibility in the process of reduction and destruction of nuclear weapons. These are essential aspects of the nuclear disarmament process which are matters of interest and concern to all States parties to the Treaty.

16. It is logical that one of the 13 practical measures for the application of article VI, adopted during the 2000 Review Conference, should be a call for the submission of periodic reports to show how the States parties to the Treaty have fulfilled their obligations under that article. This would be a major step towards transparency in the nuclear disarmament process.

17. In this case, nuclear-weapon States parties have a paramount responsibility and a magnificent opportunity to report on what they have done in the area of nuclear disarmament and on whether the measures taken in that regard comply with the principles of verification, transparency and irreversibility. The information provided by the nuclear Powers should include precise data on the composition and size of their nuclear arsenals and on the concrete progress being made in their elimination, as well as other measures in the same direction. That would be a step forward which would be of real value and inspire confidence among the other States parties, and an effective measure towards transparency which would show the honesty and truthfulness with which obligations entered into under the Treaty are being complied with.

18. The principles of verification and transparency are vital in preventing the proliferation of nuclear weapons and, at the same time, in contributing to the full enjoyment of "the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without

discrimination and in conformity with articles I and II of this Treaty", as stated in article IV.

19. The imposition of unilateral restrictive measures as adopted by certain States parties, which are usually politically motivated and obstruct the peaceful use of nuclear energy by other States parties, constitutes a violation of the Treaty and must cease.

20. The existence of export control regimes based on selective and discriminatory criteria is unacceptable both legally and morally. In practice, it represents a serious obstacle for the enjoyment of the inalienable right of all States to use for peaceful purposes the various means and technologies existing in the nuclear field. The most effective export and import control model is one which is negotiated and applied without double standards in a multilateral framework, taking into account the interests of all States which are prepared to submit to a strict regime to verify their compliance with their obligations under the relevant international treaty.

Irreversibility

21. The principle of irreversibility is an essential component of any disarmament and arms control process, with very great importance in the nuclear disarmament process.

22. Among some nuclear-weapon States, there is a tendency to consider making certain types and quantities of nuclear weapons non-operational a positive step. That could be considered in a specific framework and time frame, but at the strategic level, it has a negative influence for the achievement of the objective of nuclear disarmament. In the long run, nuclear weapons to which measures of this type are applied can be redeployed at any time; this is worrying and unacceptable. Applying the principle of irreversibility is essential in order to ensure the effectiveness and durability of any multilateral, plurilateral or bilateral agreement or unilateral decision in the area of nuclear disarmament.

Some concrete proposals

23. Without claiming to put forward an exhaustive list, Cuba believes that the following are some concrete actions or steps to move forward in the application of the principles of verification, transparency and irreversibility in the process of nuclear disarmament:

(a) The United States of America and the Russian Federation should implement the Treaty on Strategic Offensive Reductions (the "Moscow Treaty"), adopted on 1 June 2003, and the principles of transparency, irreversibility and verification, particularly in relation to the nuclear arsenal reductions provided for in that agreement, both for nuclear warheads and for their launching mechanisms.

(b) The United States and the Russian Federation should resume the implementation of the second Strategic Arms Reduction Treaty (START II), and the principle of transparency should be included. Those nuclear Powers should conclude the negotiations for the START III treaty, which should take account of the principles of verification, transparency and irreversibility.

(c) The United States and the Russian Federation should work together in a broad process to control their non-strategic nuclear armaments, through the implementation and verification of the 1991 and 1992 initiatives, with concrete measures in the area of transparency.

(d) The nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons should bring their entire nuclear arsenals to a non-operational state, through a programme which would complete that stage as soon as possible, combining it with parallel and irreversible reductions in such weapons.

(e) The States parties to the Treaty should begin and conclude negotiations on a legally binding and non-discriminatory treaty, prohibiting the production of fissile material for nuclear weapons. That treaty should pursue the goals of nuclear non-proliferation and disarmament, taking account of the principles of verification, transparency and irreversibility. As a complementary measure, the States parties should work to develop a worldwide inventory of fissile material for nuclear weapons, both in nuclear warheads and in stockpiles, and outline a programme for its transformation, beginning with stocks declared as "excess", under a system of international verification functioning in the framework of IAEA.

(f) Promotion of the entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and, consequently, of the international monitoring system established by the Treaty, as an indispensable verification measure in that area. Until such time as that entry into force is achieved, all States should observe the moratorium on nuclear tests.

(g) All States parties to the Treaty on the Non-Proliferation of Nuclear Weapons must submit periodic reports reflecting their compliance with their commitments and obligations under the Treaty and other international agreements in the area of nuclear disarmament. In particular, nuclear-weapon States parties should declare such weapons and the concrete progress being made in their elimination.

(h) The nuclear-weapon States parties should reach a consensus and adopt a legally binding international instrument, committing them to refrain from using or threatening to use nuclear weapons against non-nuclear-weapon States. Furthermore, they should undertake to review, with a view to their modification or elimination, the reservations made when they ratified the additional protocols to certain treaties which establish nuclear-weapon-free zones, such as the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco). Some of those reservations are contrary to the statute of denuclearization established under that Treaty.

24. Naturally, the implementation of all the above actions, and others which may be considered appropriate, will require the necessary political will and commitment on the part of all States parties, especially the nuclear Powers, to fulfil the obligations entered into under the Treaty on the Non-Proliferation of Nuclear Weapons.

25. An essential first step would be for the nuclear-weapon States to review their military doctrines with a view to reducing such weapons and, in any case, eliminating the role played by them in their defence and security strategies. This is a strategic step towards achieving nuclear disarmament and ensuring that the principles of transparency, irreversibility and verification can be introduced

promptly into all actions and agreements designed for the total elimination of nuclear weapons.

26. Cuba reaffirms its position that only the application of a systemic concept including the components of disarmament, non-proliferation, verification, assistance and cooperation will be able to ensure the total elimination of nuclear weapons. Cuba is prepared to enter into immediate negotiations for a multilateral convention to implement that concept while strictly observing the principles of verification, transparency and irreversibility. Cuba also considers that the Disarmament Conference, as the sole multilateral forum for disarmament negotiations, is the appropriate framework for conducting them.

27. Cuba urges all States parties to the Treaty to commit themselves to the achievement of the goal of nuclear disarmament and to take action to that end, in response to the just demands formulated in recent decades by the international community.

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Peaceful uses of nuclear energy

Working document submitted by Cuba

1. International disarmament, non-proliferation and arms-control instruments must seek an appropriate balance between regulation or verification, on the one hand, and promotion, on the other, as the only way to be truly relevant to all States. This remark is particularly pertinent in the case of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The firm undertaking of non-nuclear-weapon States never to acquire nuclear weapons was given on the understanding that peaceful uses of nuclear energy would be promoted.

2. Accordingly, article IV of the Treaty clearly establishes the inalienable right of all the States parties to develop research, production and use of nuclear energy for peaceful purposes and to receive, without any discrimination, equipment, materials and scientific and technological information to those ends.

3. Common sense dictates that, from the moment of its discovery, nuclear energy should only ever have been exploited for honourable purposes and to serve the well-being and economic development of all countries. The use of nuclear energy for military ends can only bring horror and death and is therefore an aberration which, regrettably, mankind devised.

4. The non-nuclear-weapon States parties to the Treaty have, in a noble and significant gesture towards peace and security, imposed on themselves the sovereign undertaking never to produce such devastating weapons. That commitment did not, however, betoken a retreat from economic development. On the contrary: it gave them all the more right to benefit from the peaceful uses of nuclear energy, as article IV of the Treaty specifies.

5. The States in question have undertaken to place all their peaceful nuclear activity under the supervision of the International Atomic Energy Agency (IAEA), through comprehensive safeguards agreements. This should guarantee that their economic and technological development is not impaired.

6. For these reasons, the unilateral restrictions put in place by some States parties to the Treaty — in most cases for political reasons — that impede other States parties' peaceful uses of nuclear energy are a violation of the Treaty, and should cease.

7. Also unacceptable is the existence of export-control regimes which rely on selective and discriminatory criteria and which, in practice, seriously hamper the inalienable right of all States to use for peaceful purposes the various nuclear-related resources and technologies available.

8. In Cuba's view, the most effective model for export and import controls is one which is negotiated and implemented in a multilateral environment and essentially depends on the widest possible involvement of countries which are prepared to reconcile their domestic controls and regulations with the aim of facilitating the monitoring of the activity which is subject to regulation. Only such broad and non-discriminatory involvement can guarantee effective achievement of the objectives being pursued.

9. Cuba has consistently maintained the view that export and import controls on dual-use technologies are not an end in themselves but a useful tool which States have at their disposal to prevent scientific and technological advances from being diverted to military use. Keeping them separate from a system made up of security and development components only increases their ineffectiveness. If it is really the intention that such controls should prevent the development of weapons, including nuclear weapons, they should be part of a system which encompasses elements of disarmament, non-proliferation, verification and international cooperation to promote the socio-economic development of all countries, particularly those of the South.

10. Cuba considers that calling into question the development of programmes for the peaceful uses of nuclear energy in the context of the Treaty not only goes against the spirit and letter of that international legal instrument but also impedes the full and effective implementation of the mandate assigned to IAEA. The Agency's functions include encouraging and assisting research on, and development and practical application of, atomic energy for peaceful uses throughout the world.

11. A strengthened system of safeguards within the framework of IAEA must in no way lead to limits or conditions restricting the peaceful uses of nuclear energy but instead should provide encouragement. Cuba defends the inalienable right of all States to engage in research, production and use of nuclear energy for peaceful purposes, and to receive — without discrimination — transfers of materials, equipment and scientific and technological information to those ends.

12. The Agency must strike a suitable balance between its three pillars: technical cooperation, security and verification. Cuba places a high priority on the Agency's technical cooperation programme and acknowledges the efforts of the IAEA secretariat to reinforce it. In that connection, we, as member States of the Agency, must make sure that IAEA has sufficient, predictable and secure resources for the technical cooperation programme.

13. Over the years, Cuba has benefited greatly from IAEA technical cooperation, deriving optimum benefit from the resources provided — which have been channelled to the country's priority programmes — and achieving substantial results. Technical cooperation has covered public health, agriculture, hydrology, food and radiological protection and security.

14. Cuba fully supports implementation of the regional cooperation agreements for the promotion of nuclear science and technology concluded under the auspices of IAEA, such as the African Regional Cooperative Agreement for Research,

Development and Training Related to Nuclear Science and Technology (AFRA), the Regional Cooperative Agreement for the Advancement of Nuclear Science and Technology in Latin America and the Caribbean (ARCAL), the Cooperative Agreement for Arab States in Asia for Research, Development and Training related to Nuclear Science and Technology (ARASIA) and the Regional Cooperative Agreement for Research, Development and Training Related to Nuclear Science and Technology for Asia and the Pacific (RCA), all examples of South-South cooperation.

15. Nuclear energy should be used solely for peaceful purposes and for the well-being and economic development of humanity. Consequently, the primary aim and raison d'être of the Treaty is to achieve the total elimination of nuclear weapons. Cuba became a party to the Treaty to promote that aim, and will be unstinting in its effort to fulfil it.

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Proliferation security initiative: legal consequences from the standpoint of international law

Working paper of the Republic of Cuba

I. Brief background information

1. The intention to create the Proliferation Security Initiative (PSI) was first announced by United States President George W. Bush on 31 May 2003, in a speech in Cracow, Poland.

2. The countries promoting and participating in the Initiative have declared that this is a political agreement, not a legal one, and have emphasized that it is not a question of an "organization" but rather of an "activity" open to any State or international organization which endorses the Statement of Interdiction Principles and makes an effective contribution to the Initiative.

3. The Statement of Principles, adopted on 4 September 2003 during a PSI meeting in Paris, explains the scope of the Initiative, and actually constitutes a kind of constituent charter.

4. The Statement presents the Initiative as "a response to the growing challenge posed by the proliferation of weapons of mass destruction, their delivery systems, and related materials worldwide" and establishes the commitment of participants to a series of specific principles (see annex). Most of them, if applied, would violate basic principles recognized in international law and the Charter of the United Nations.

5. With this Initiative, the United States of America and its principal allies have once again tried to impose on the international community their selective approach and double standards in addressing disarmament and arms control issues, disregarding the fact that the prohibition and total elimination of weapons of mass destruction is the only guarantee that such weapons will not fall into the hands of terrorists.

6. A multilateral, non-discriminatory approach is the only effective way to prevent the use of weapons of mass destruction by terrorists. Instead of contributing to international unity on the issue and the strengthening of the role of the United

Nations and the international disarmament and arms control treaties, the Initiative weakens them.

II. Legal consequences of the Proliferation Security Initiative from the standpoint of international law

Principles of international law and the Charter of the United Nations

7. As stated earlier, some of the elements or principles of the Proliferation Security Initiative are contradictory and would in practice violate basic principles set out in the Charter of the United Nations and recognized in international law which prohibit interference in the domestic affairs of States, resorting to the threat or use of force against the territorial integrity or political independence of any State and carrying out actions in any manner inconsistent with the purposes of the United Nations, given the recognized principle of the sovereign equality of all States.

8. The Initiative falls within the general approach followed by the United States and other developed countries, which is to redefine international law to make it conform to their own economic and security interests. The immediate theoretical precursor to this misguided creation was the report entitled "The Responsibility to Protect", issued by the so-called International Commission on Intervention and State Sovereignty.

9. That report expounds a "new doctrine" designed to modify the conduct of Member States of the United Nations acting in conformity with the principles established in the Charter. It proclaims that States and the United Nations supposedly have the obligation or duty to protect the life, liberty and basic human rights of citizens and that if a State is unable or unwilling to fulfil this responsibility, the international community has a responsibility to act in its place.

10. In practical terms, the conclusions set out in that report constitute nothing less than a redefinition of sovereignty and the general principles of international law, and an intention to legitimize intervention as a norm and principle of law in international relations.

11. The architects of the Proliferation Security Initiative are trying to outline another "new standard of conduct" for States, which like the so-called "responsibility to protect" blatantly dismisses State sovereignty. In this case, the "new doctrine" would involve States' "duty or responsibility to prevent" in the present international order.

12. Both the "responsibility to protect" and the "duty to prevent" start from the same premise: that the norms on the use of force and other principles set out in the Charter of the United Nations are inadequate, or not relevant in the current system of international relations, because they correspond to the system established in 1945 after the Second World War. It is therefore necessary to update or modify them, in the thinking of the main proponents of these "doctrines".

13. The Initiative, moreover, is fully consistent with the political and military doctrine designed by the Bush Administration and complements its new National Security Strategy,[1] centred on the preventive-strike doctrine, as well as its new

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[1] Signed by the United States President on 17 September 2002.

National Strategy to Combat Weapons of Mass Destruction.[2] These two new strategies alter the doctrine that prevailed until now, based on dissuasion and restraint, and give priority to the concept of offensive measures against States or "hostile groups", including preventive strikes, in clear violation of the principles of international law and of the Charter of the United Nations.

14. In practice, the Initiative poses a serious threat to multilateralism, cooperation and control in the area of non-proliferation of weapons of mass destruction, as defined in the multilateral legal framework of the existing treaties in the field, including the Treaty on the Non-Proliferation of Nuclear Weapons, and in the mandates of the relevant international organizations such as the International Atomic Energy Agency, which all have wide international recognition.

The United Nations Convention on the Law of the Sea

15. The ultimate objective of the Proliferation Security Initiative is clearly to change the international norms and practices for the interception of vessels transporting weapons of mass destruction, by creating a new legal regime expanding them.

16. There would be absolutely no guarantee that the prerogatives the Initiative participants have arrogated to themselves would not be manipulated, particularly by States with greater military power, in order to act abusively against vessels and aircraft of other States for a variety of reasons.

17. The Initiative could be invoked to authorize acts that are in clear violation of key provisions of the United Nations Convention on the Law of the Sea. PSI participants would be hard put to apply some of their principles without violating the following articles of the Convention:

(a) Article 19 recognizes the right of innocent passage of ships through the territorial waters of a State and lists the specific activities which would cause the passage of a foreign ship to be considered prejudicial to the peace, good order or security of the coastal State in question. Included in that list is any threat or use of a force or threat against the sovereignty, territorial integrity or political independence of the coastal State, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations. Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State;

(b) Article 23 allows nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances to exercise the right of innocent passage through the territorial sea, specifying that they must carry documents and observe special precautionary measures established for such ships by international agreements;

(c) Article 38 recognizes the right of transit passage of all ships and aircraft in straits which are used for international navigation;

(d) Article 32 recognizes further the immunities of warships and other government ships operated for non-commercial purposes;

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[2] Adopted on 10 December 2002.

(e) With respect to the jurisdictional regime for the high seas, article 92 establishes clearly that in the high seas ships are subject to the exclusive jurisdiction of the flag State. Only that State could authorize PSI participants to stop and search a vessel flying its flag;

(f) Articles 99 to 109 of the Convention enumerate illicit activities on the high seas (transport of slaves, piracy, which States must cooperate to repress, the illicit traffic in narcotic drugs or psychotropic substances, unauthorized broadcasting from the high seas). Those exceptions aside, article 87 sets out the principle of the freedom of the high seas.

III. Security Council resolution 1540 (2004)

18. The Security Council's adoption of this resolution is an obvious attempt to legitimize the Proliferation Security Initiative. Paragraph 10 is ambiguous enough to be manipulated by some States and allow them to invoke it to assert that the Council has legitimized this dangerous Initiative, which, as we have argued earlier, is in clear violation of basic principles of international law and of the Charter of the Organization itself, as well as of the United Nations Convention on the Law of the Sea.

19. Furthermore, resolution 1540 (2004) is, like the Initiative, yet another decision prompted by the selective approach and double standards applied at the behest of the United States and its principal allies in addressing questions relating to disarmament, non-proliferation and arms control. It is an approach that gives priority to combating horizontal proliferation and ignores the concerns raised by vertical proliferation as well as the fact that the only guarantee against allowing weapons of mass destruction to fall into the hands of terrorists would be to prohibit and eliminate such weapons entirely.

20. It is extremely dangerous to have framed the operative part of the resolution under the aegis of Chapter VII of the Charter of the United Nations. That gives free rein to the most powerful States, and the United States in particular, to manipulate the Security Council and bring before it, as a threat to international peace and security, any incident or country which they, with their selective, discriminatory approach and their double standards, deem to be promoting the proliferation of weapons of mass destruction or related acts of terrorism. The Council would then be obliged to take steps or make recommendations to maintain or re-establish international peace and security, including the possible use of force under Article 42.

21. Cuba rejects the arbitrary manipulation or interpretation of resolution 1540 (2004). In that context, it rejects any use of the resolution as pre-authorization for the unilateral use of force by any country against specific "non-State actors", or against States in which such actors are present.

22. Furthermore, Cuba believes that this resolution has granted to the Security Council prerogatives and functions in the sphere of disarmament, non-proliferation and arms control which are not appropriate to it and should be exercised only in the context of legally binding international treaties and agreements, negotiated at the multilateral level, which establish equal legal obligations for all States. Such obligations should not be created for States Members of the United Nations without

their full participation and sovereign acceptance through signature and ratification. In that regard, it is very disturbing that the Security Council, with its limited membership, has adopted a resolution on a subject that should continue to be addressed at the international forums that specialize in disarmament, non-proliferation and arms control.

23. The formation of a Security Council Committee under this resolution would seem to imply the establishment of a separate non-proliferation regime which would erode and could even, in practice, replace the role and functions of the treaty regimes and international organizations existing in this area.

24. The scope of the resolution adopted is equally disturbing. Although its main proponents have insisted that it is directed against so-called "non-State actors", in reality it goes beyond the stated objective of preventing them from acquiring weapons of mass destruction, their means of delivery or related materials. In various parts of the text reference is made to international treaties and agreements that States have adopted in this sphere, and States are enjoined to enforce them fully.

IV. How to deal with the problem of terrorism and its links with weapons of mass destruction. Position of Cuba.

25. Cuba firmly supports general and complete disarmament under strict international control and, in particular, supports the total elimination of nuclear weapons and all weapons of mass destruction, aware of the danger posed by their very existence to all mankind.

26. Cuba shares the concern about the risk of links between terrorism and weapons of mass destruction and fully supports all legitimate international efforts to prevent terrorists from acquiring such weapons and their means of delivery.

27. However, this threat cannot be confronted through a selective and discriminatory approach limited to combating horizontal proliferation and ignoring vertical proliferation, specifically the qualitative improvement of nuclear weapons on the part of nuclear-weapon States, and disarmament, which must have the objective of the total elimination of weapons of mass destruction.

28. Cuba is in favour of the establishment and strengthening of an international coalition of all States against the use of weapons of mass destruction by terrorists, but this effort must be carried out under two basic conditions:

(a) This threat must be confronted through international cooperation, within the framework of the United Nations and relevant international treaties;

(b) The question of proliferation in all its aspects must be resolved by political and diplomatic means, within the framework of international law, including the Charter of the United Nations.

29. Cuba reiterates that the prohibition and total elimination of weapons of mass destruction, including nuclear weapons, is the only guarantee that such weapons will not fall into the hands of terrorists. In that context, nuclear-weapon States have an obligation, under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and together with the other States parties to the Treaty, to hold negotiations to achieve nuclear disarmament.

30. Cuba has always maintained that the isolated application of the principle of non-proliferation is inadequate to eliminate nuclear weapons. Only a systematic approach, also including components of disarmament, verification, assistance and cooperation, will be able to guarantee the total elimination of nuclear weapons. Cuba is prepared to initiate negotiations immediately on a multilateral convention which would apply this concept and believes that the Conference on Disarmament, as the only multilateral negotiating forum in the area of disarmament, is the appropriate framework for carrying them out.

31. Furthermore, Cuba believes that the States parties to the various legal instruments in force should take advantage of the review processes for these instruments to reaffirm their commitment to adopt all necessary measures at the national level to prevent terrorists from obtaining weapons of mass destruction and the materials and technologies needed for their manufacture. In this respect, the seventh review conference of the Treaty on the Non-Proliferation of Nuclear Weapons is an ideal framework for taking up concerns about the link between terrorism and nuclear weapons and deciding collectively on measures to be taken to deal with them.

32. Other types of initiatives, such as the Proliferation Security Initiative, which tries to impose a mechanism of selective, non-transparent composition and would operate outside the bounds of international law, only undermine multilateralism and international cooperation and are designed to dismantle and replace existing international treaties in the area of disarmament, arms control and non-proliferation to which most States of the world are parties.

33. Cuba is firmly convinced that respect for the principles of international law and the Charter of the United Nations is the only viable guarantee of international peace and security. The world must be governed by a system of collective security based on cooperation that can provide full guarantees for all.

Annex

Principles included in the Paris Statement of Interdiction Principles, adopted by the countries participating in the Proliferation Security Initiative

1. Undertake effective measures for interdicting the transfer or transport of weapons of mass destruction, their delivery systems and related materials to and from States and non-State actors of proliferation concern which are therefore subject to interdiction. These are:

(a) Those which try to develop or acquire chemical, biological or nuclear weapons and delivery systems;

(b) Those which in any way transfer weapons of mass destruction, their delivery systems or related materials.

2. Adopt procedures for the rapid exchange of information concerning proliferation activity.

3. Strengthen national legal authorities where necessary to accomplish the objectives of the Proliferation Security Initiative.

4. Take specific action in support of interdiction efforts regarding cargoes of weapons of mass destruction, their delivery systems or related materials, to include:

(a) Not to transport or assist in the transport of any such cargoes to or from States or non-State actors of proliferation concern, and not to allow any persons subject to their jurisdiction to do so.

(b) On their own initiative or at the request of another State, to board and search any vessel flying their flag in their internal waters or territorial seas or areas beyond the territorial seas of any other State that is reasonably suspected of transporting such cargoes to or from States or non-State actors of proliferation concern, and to seize any such cargoes that are identified.

(c) To seriously consider giving consent under the appropriate circumstances to the boarding and searching of its own flag vessels by other States, and to the seizure of such weapons of mass destruction related cargoes in such vessels that may be identified by such States.

(d) To take appropriate actions to (1) stop and/or search in their internal waters, territorial seas or contiguous zones vessels that are reasonably suspected of carrying such cargoes to or from States or non-State actors of proliferation concern and to seize any such cargoes that are identified; and (2) to impose conditions on vessels entering or leaving their ports, internal waters or territorial seas that are reasonably suspected of carrying such cargoes, such as requiring that such vessels be subject to boarding, search and seizure of such cargoes prior to entry.

On their own initiative or at the request of another State, to (1) require aircraft that are reasonably suspected of carrying such cargoes to or from States or non-State actors of proliferation concern and that are transiting their airspace to land for inspection and seize any such cargoes that are identified; (2) deny aircraft reasonably suspected of carrying such cargoes transit rights through their airspace in advance of such flights.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

4 May 2005

Original: English

New York, 2-27 May 2005

Working paper on nuclear disarmament for Main Committee I

Recommendations submitted by New Zealand on behalf of Brazil, Egypt, Ireland, Mexico, South Africa and Sweden as members of the New Agenda Coalition

In the pursuit of the full and effective implementation of the agreements reached at the 2000 Review Conference, including the unequivocal undertaking and the practical steps on nuclear disarmament, and at the 1995 Review and Extension Conference, including the decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament and the resolution on the Middle East, as integral parts of that Conference, the New Agenda Coalition reaffirms and augments its positions and recommendations (NPT/CONF.2005/PC.III/11, NPT/CONF.2005/PC.II/16, NPT/CONF.2005/PC.II/WP.11, NPT/CONF.2005/PC.I/9, NPTCONF.2005/PC.I/WP.1, NPT/CONF.2005/PC.I/WP.10 and NPT/CONF.2005/PC.I/WP.13), to Main Committee I of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons through the following recommendations:

1. To agree that all States should spare no efforts to achieve universal adherence to the Treaty on the Non-Proliferation of Nuclear Weapons and the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty.

2. To call upon all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to accelerate the implementation of the practical steps for systematic and progressive efforts to achieve nuclear disarmament that were agreed upon at the 2000 Review Conference.

3. To call upon the nuclear-weapon States to take further steps to reduce their non-strategic and strategic nuclear arsenals and not to develop new types of nuclear weapons, in accordance with their commitment to diminish the role of nuclear weapons in their security policies.

4. To call for the upholding and maintenance of the moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty.

5. To welcome the importance of maintaining the momentum towards the early establishment of the Comprehensive Nuclear-Test-Ban Treaty Organization in order to build the verification regime.

6. To agree to urgently strengthen efforts towards both nuclear disarmament and nuclear non-proliferation through the resumption in the Conference on Disarmament of negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into account both nuclear disarmament and nuclear non-proliferation objectives.

7. Pending the conclusions of such negotiations to call for the upholding and maintenance of a moratorium on fissile material production for military purposes and the establishment of a regime for transparency and accountability and an appropriate experts group.

8. To stress the need for all five nuclear-weapon States to make arrangements for the placing of their fissile material no longer required for military purposes under IAEA or other relevant international verification and to make arrangements for the disposition of such material for peaceful purposes in order to ensure that such material remains permanently outside military programmes.

9. To call for the establishment of an appropriate subsidiary body in the Conference on Disarmament to deal with nuclear disarmament.

10. To underline the imperative of the principles of irreversibility and transparency for all nuclear disarmament measures and the need to develop further adequate and efficient verification capabilities.

11. To agree that the nuclear-weapon States take further measures to de-alert and deactivate nuclear weapons systems, to remove nuclear warheads from delivery vehicles and to withdraw nuclear forces from active deployment pending the total elimination of these weapons.

12. To agree that the nuclear-weapon States take further action towards increasing their transparency and accountability with regard to their nuclear weapon arsenals and their implementation of disarmament measures and in this context to recall the obligation to report as agreed in step 12.

13. To call upon the nuclear-weapon States to respect fully their existing commitments with regard to security assurances pending the conclusion of multilaterally negotiated legally binding security assurances for all non-nuclear weapon States parties, which could either be in the format of a separate agreement reached in the context of the Treaty on the Non-Proliferation of Nuclear Weapons or as a protocol to the Treaty.

NPT/CONF.2005/WP.28

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

6 May 2005
English
Original: English and Russian

New York, 2-27 May 2005

Tashkent statement of representatives of Central Asian States on the establishment of a nuclear-weapon-free zone in Central Asia

(7-9 February 2005)

The five Central Asian States, the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan:

Recalling the Almaty Declaration of the Heads of State of the Central Asian States, adopted on 28 February 1997; the statement adopted at Tashkent on 15 September 1997 by the Ministers for Foreign Affairs of the five States of the region; the United Nations General Assembly resolutions 52/38 S of 9 December 1997, 53/77 A of 4 December 1998, 55/33 W of 20 November 2000 and 57/69 of 22 November 2002, and its decisions 58/518 of 8 December 2003 and 59/513 of 3 December 2004, entitled "Establishment of a nuclear-weapon-free zone in Central Asia"; and the Communiqué of the Consultative Meeting of the Experts of the Central Asian Countries, the Nuclear-Weapon States and the United Nations, adopted at Bishkek on 9 July 1998,

Noting that in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.2000/28 (Parts I and II)), the Parties expressed support for the intention and commitment of the five Central Asian States to establish a nuclear-weapon-free zone in their region, welcomed the practical steps taken towards implementation of their initiative and also noted with satisfaction the substantial progress made by the Central Asian States in drawing up and agreeing on a draft treaty on the establishment of a nuclear-weapon-free zone in Central Asia,

Considering that the establishment of nuclear-weapon-free zones contributes significantly to the maintenance and consolidation of peace and security at the global and regional levels,

Commending substantive progress having been made by their efforts with the support of the United Nations, in particular the Secretary-General, the Department for Disarmament Affairs, the Regional Centre for Peace and Disarmament in Asia and the Pacific, the Office of Legal Affairs and the International Atomic Energy

Agency in the process of drawing up and agreeing on a draft treaty on the establishment of a nuclear-weapon-free zone in Central Asia,

Reaffirming **the importance of an agreement reached in Samarkand in September 2002 on a treaty and a protocol on a nuclear-weapon-free zone in Central Asia,**

1. *Welcome* the outcome of the Tashkent meeting held from 7 to 9 February 2005 that finalized the draft treaty with the recommendations from the International Atomic Energy Agency and the United Nations Office for Legal Affairs and comments from the five nuclear-weapon States;

2. *Note with appreciation* the support of all States, including the five nuclear-weapon States, for the initiative of the five Central Asian States to establish a nuclear-weapon-free zone in the region;

3. *Reaffirm* their strong commitments to establish a nuclear-weapon-free zone in Central Asia that will contribute to nuclear disarmament, peace and security in the region;

4. *Urge* all States, in particular the nuclear-weapon States, to fully cooperate with the five Central Asian States in implementing the Central Asian Nuclear-Weapon-Free Zone Treaty;

5. *Reiterate* their earnest desire to sign the Central Asian Nuclear-Weapon-Free Zone Treaty as soon as possible.

For the Republic of Kazakhstan

For the Kyrgyz Republic

For the Republic of Tajikistan

For Turkmenistan

For the Republic of Uzbekistan

NPT/CONF.2005/WP.29

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

6 May 2005

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Note verbale dated 6 May 2005 from the Permanent Mission of Kazakhstan to the United Nations addressed to the Secretariat

The Permanent Mission of the Republic of Kazakhstan to the United Nations presents its compliments to the Department for Disarmament Affairs and, as a representative of the country chairing the Collective Security Treaty Organization (CSTO), has the honour to forward herewith the statement of the CSTO with regard to the Treaty on the Non-Proliferation of Nuclear Weapons (see annex).

The Permanent Mission requests that the statement of the States members of the CSTO, the Republic of Armenia, the Republic of Belarus, the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation and the Republic of Tajikistan, be circulated as a working document of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

Annex to the note verbale dated 6 May 2005 from the Permanent Mission of Kazakhstan to the United Nations addressed to the Secretariat

[Original: Russian]

Statement by the Collective Security Treaty Organization at the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

The States members of the Collective Security Treaty Organization (CSTO) declare that the strengthening of the international nuclear non-proliferation regime and its foundation — the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) will remain one of the priority objectives of their foreign policy. NPT is a time-tested, vitally important international instrument which ensures global and regional stability and security.

The threat of the proliferation of nuclear weapons, and also materials and technologies required for their production, particularly in the context of the growth of the terrorist danger, is one of the most serious challenges to international security and stability.

The States members of CSTO welcome the measures taken by the international community to establish a global system to counteract new challenges and threats. The Security Council's adoption of resolution 1540 (2004) may establish an effective foundation for preventing terrorists from gaining access to weapons of mass destruction.

The States members of CSTO stress the importance of objective consideration of NPT, encompassing its three basic components: non-proliferation, cooperation in the peaceful use of atomic energy and nuclear disarmament.

We note the contribution of States members of CSTO — Belarus and Kazakhstan — to the strengthening of the non-proliferation regime through voluntary withdrawal of nuclear weapons from their territories. CSTO calls upon all States parties to reaffirm their commitment to NPT and the obligations they have incurred under the Treaty.

The States members of CSTO are looking forward to productive cooperation with other countries during the 2005 Review Conference and once again stress the importance of compliance with all the provisions of NPT.

NPT/CONF.2005/WP.30

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

11 May 2005

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Working paper on disarmament and non-proliferation education

Submitted by Egypt, Hungary, Japan, Mexico, New Zealand, Peru, Poland and Sweden

I. Introduction

1. The purpose of the present paper is to build on the working paper on disarmament and non-proliferation education (NPT/CONF.2005/PC.III/WP.17), submitted to the Third Preparatory Committee for the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) by Egypt, Hungary, Japan, Mexico, New Zealand, Peru, Poland and Sweden.

2. Disarmament and non-proliferation education can ensure the continuation of institutional knowledge, and assist those working on NPT issues to understand the Treaty and its regime as a whole. Furthermore, it will assist NPT States parties in increasing awareness of new and all dangers posed by nuclear weapons, and inform the public of actions being carried out by Governments, diplomats and international institutions to this end.

II. Recommendations

3. Co-sponsor countries:

(a) Recognize that education on disarmament and non-proliferation is important to make progress towards the full implementation of disarmament and non-proliferation obligations under the NPT;

(b) Underline the importance of the recommendations in the United Nations study on disarmament and non-proliferation education, submitted by the Secretary-General to the General Assembly at its fifty-seventh session;

(c) Stress that the successful implementation of the United Nations study recommendations will require an active partnership among national governments, regional and international organizations, academic institutions and civil society;

(d) Encourage States parties to make efforts in the following areas, among others:

(i) To support disarmament and non-proliferation education activities of the United Nations, regional and international organizations, civil society, academic institutions and the media, in pursuit of their implementation of the recommendations of the United Nations study;

(ii) To develop, enhance and support disarmament and non-proliferation activities and educational and training courses in cooperation with relevant regional and international organizations, civil society, academic institutions and the media, in the public as well as the private sector, including the provision of fellowships, internship programmes and on-the-job training;

(iii) To prepare, adapt and disseminate user-friendly disarmament and non-proliferation education materials, in cooperation with regional and international organizations, civil society, academic institutions, the nuclear industry and the media, to audiences at all education levels through translation and the use of new technologies, including electronic means;

(iv) To cooperate with academic institutions to develop model curriculum materials addressing the issues and consequences of proliferation and the importance of disarmament, and provide the opportunity for government officials and parliamentarians to visit Hiroshima and Nagasaki museums and libraries, with a particular emphasis on the inhumane nature of nuclear weapons to increase awareness of the real dangers they pose;

(v) To designate a focal point for disarmament and non-proliferation education and training and to inform the Department for Disarmament Affairs on steps taken to implement the recommendations contained in the United Nations study;

(e) Call upon the Conference, drawing on the points outlined in this paper, to encourage States parties to undertake concrete activities to implement, as appropriate, the United Nations study recommendations and to voluntarily share information on efforts they have been undertaking to this end.

NPT/CONF.2005/WP.31

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

10 May 2005

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Japan's Efforts in Disarmament and Non-Proliferation Education

Working Paper submitted by Japan

Introduction

1. The purpose of this working paper is to share Japan's efforts in the field of disarmament and non-proliferation education, as suggested in section II, paragraph 5 of our joint working paper (NPT/CONF.2005/WP.30), which encourages States to "*voluntarily share information on efforts they have been undertaking to this end*".

Japan's efforts

2. Japan has chosen to establish its position in the international community as a nation dedicated to peace, aiming at a safe world free of nuclear weapons. As the only country to have experienced devastation from nuclear bombings, Japan is committed to ensuring that the tragedies of Hiroshima and Nagasaki never be forgotten. With this aim, Japan places utmost importance on disarmament and non-proliferation education, especially for the younger generation.

3. The following illustrates Japan's efforts in this field.

United Nations Disarmament Fellowship Programme

4. Following a decision taken at the first special session of the General Assembly in 1978, the United Nations Disarmament Fellowship Programme was implemented for the first time in 1979 to train experts, mainly from developing countries, on disarmament issues. Various Government officials and international civil servants participate in the programme for around three months, whereby they receive training at the United Nations Headquarters and the Geneva Conference on Disarmament and deepen their knowledge in the field of disarmament and non-proliferation by visiting international organizations, research institutions and relevant countries.

5. Japan has been inviting around 25 participants to Japan each year since 1983, amounting to a total of more than 550 participants to date. Participants receive briefings on the disarmament and non-proliferation policies of Japan. The programme includes a visit to Hiroshima and Nagasaki to learn about Japan as the

only country to have suffered from the devastation of the atomic bombs, and to gain an insight into the reality of atomic bombings. A large number of diplomats who have participated in the Fellowship Programme are now actively working on the front line of global disarmament diplomacy. Japan will continue to actively contribute to this programme.

United Nations Conference on Disarmament Issues

6. Regional disarmament conferences are an effective means to enhance awareness of the importance of disarmament at a regional level. Japan has sponsored a United Nations Conference on Disarmament Issues in a different local city each year since 1989, providing a valuable opportunity for distinguished disarmament experts from around the world to engage in useful discussions. Last year's United Nations Conference on Disarmament Issues was held in Sapporo in July under the theme "Mounting challenges to peace and security and disarmament today" and gave rise to a very meaningful exchange of views. This year's Conference is to be held from 17 to 19 August in Kyoto.

Citizen's forum on disarmament and non-proliferation education

7. In August 2003, during the United Nations Conference on Disarmament Issues held in Osaka, a citizen's forum on disarmament and non-proliferation education was held with the participation of 50 teachers from primary, junior-high and high schools in Osaka, officials of international organizations, as well as various experts on disarmament and non-proliferation. A citizen's forum on disarmament and non-proliferation education was also held in July 2004 during the United Nations Conference on Disarmament Issues in Sapporo, and active discussion took place between teachers and experts.

Ministry of Foreign Affairs materials

8. The Ministry of Foreign Affairs of Japan has been taking concrete steps to disseminate information on various efforts it has been making in the area of disarmament and non-proliferation. A paper entitled "Japan's disarmament policy" was published in 2002 in Japanese, followed by an English version in 2003. In 2004, an updated edition, "Japan's disarmament and non-proliferation policy", was published in both Japanese and English. The Ministry of Foreign Affairs has also established, and regularly updates, a comprehensive homepage with readily available information on Japan's activities in the field of disarmament and non-proliferation.

Submission of a working paper on disarmament and non-proliferation education to the Preparatory Committees for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

9. Japan jointly submitted working papers on disarmament and non-proliferation education to the second and third Preparatory Committees for the 2005 Review Conference, underlining the importance of education as a tool for strengthening disarmament and non-proliferation for future generations.

Participation in the United Nations Governmental Experts Group on Disarmament and Non-Proliferation Education

10. Japan participated in the Group of Governmental Experts on Disarmament and Non-Proliferation Education, established following the Fifty-fifth General Assembly resolution adopted in August 2000, requesting the Secretary-General to prepare a study towards the advancement of disarmament and non-proliferation. The Group submitted a report to the Secretary-General two years later containing a series of recommendations for immediate and long-term implementation, which formed the basis for the draft resolutions adopted at the General Assembly in 2002 and 2004.

Inviting disarmament experts and *Hibakusha* (atomic bomb survivors)

11. Based on the recommendations from the United Nations study on disarmament and non-proliferation education, Japan invited an American nuclear disarmament education expert and representative of Educators for Social Responsibility, Dr. Kathleen Sullivan, to conduct a nuclear disarmament education tour in Japan in November 2002, working with high school students, civic leaders and *Hibakusha* in Hiroshima, Nagasaki and Tokyo. Furthermore, in January 2004, Dr. Natalie Goldring from the Programme on Global Security and Disarmament at the University of Maryland, and in February 2005, Professor William Potter from the Monterey Institute of International Studies, were also invited to Japan to give lectures on disarmament and non-proliferation.

12. Atomic bomb survivors (*Hibakusha*) share their experiences first-hand through visits to schools and by providing guided visits to monuments and A-bombed landmarks. Speaking from personal experience, the survivors educate students and the public in a culture of peace by creating an awareness of the devastation caused by nuclear weapons.

Disarmament and non-proliferation seminar

13. The Center for the Promotion of Disarmament and Non-Proliferation in Japan held a Disarmament and Non-Proliferation seminar in March 2004, for two and a half days, with the aim of deepening understanding of recent disarmament and non-proliferation trends, mainly for those considering taking active roles in this field in the future. A seminar was also held over three days in August-September 2004 with a series of presentations covering a variety of related issues, resulting in a lively exchange between participants. Furthermore, lecturers from the Ministry of Foreign Affairs also attended the seminar. The promotion of disarmament and non-proliferation is an important pillar of Japan's foreign policy, as the spread of fundamental knowledge and the training of experts through disarmament and non-proliferation education is indispensable.

Peace efforts and peace education

14. Among United Nations recommendations, the creation of peace cities through the establishment of, for example, peace parks, peace museums and websites, is encouraged. Hiroshima and Nagasaki, the only cities to have suffered from the devastation of atomic bombs, are dedicated to peace as they seek to convey their experiences to the world in order to prevent the recurrence of such a tragedy. Both cities hold a yearly peace ceremony, which gathers people from Japan and all over the world. The mayors of Hiroshima and Nagasaki respectively deliver a peace

declaration each year at the ceremony, appealing for peace and expressing the hope that nuclear weapons never be used again.

15. The mayors of Hiroshima and Nagasaki launched the World Conference of Mayors for Peace (now known as Mayors for Peace) in 1982, to encourage cities to work together towards the total elimination of nuclear weapons. It convenes every four years in Hiroshima and Nagasaki, with an ever-increasing number of member cities (currently standing at 736 cities in 110 countries and regions, including major cities in the nuclear-weapon States).

16. Peace museums play an important role in disarmament education. The most famous ones are the Hiroshima Peace Memorial Museum and the Nagasaki Atomic Bomb Museum. The International Network of Peace Museums was created in 1992, enabling the worldwide exchange of information, exhibits and ideas among peace museums. The Japanese Network of Museums for Peace was established in 1994. Peace museums aid in disseminating information on disarmament through exhibitions and other activities in schools as well as in the wider community, and can play a pivotal role in disarmament education.

17. The cities of Hiroshima and Nagasaki along with the International Peace Research Association have agreed, with the support of the United Nations Educational, Scientific and Cultural Organization, to cooperate actively to establish Hiroshima-Nagasaki peace study courses in universities around the world by sending peace education materials and lecturers, establishing university-level peace education models, and exchanging opinions and methodology.

18. Japan believes that the international community should be well informed of the destructive effects of nuclear weapons. In accordance with the wish of the people of Japan that such weapons never be used again, the Government of Japan has supported a number of efforts by local governments and NGOs to organize exhibitions relating to atomic bombs in foreign countries, including the Hiroshima-Nagasaki A-bomb exhibitions in Aubagne, France, in September 2004, and in Compton, United States of America, in March 2005.

NPT/CONF.2005/WP.32

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons

European Union common approach

Working Paper submitted by Luxembourg on behalf of the European Union

I. Article X

1. Article X, paragraph 1, of the Treaty on the Non-Proliferation of Nuclear Weapons provides that "Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests".

2. While each State Party has a sovereign right to withdraw from the Non-Proliferation Treaty, the consequences of a withdrawal need to be clarified.

II. Legal requirements

3. The Review Conference could reiterate the following understanding of the obligations contained in article X:

(a) A "notice of withdrawal" has to be given in writing, the usual format being a note verbale to the governments of all States Parties to the Treaty and the President of the Security Council;

(b) This note verbale has to be given three months in advance of an intended withdrawal and shall include the statement of the required extraordinary events the country regards as having jeopardized its supreme interests; the statement should be as detailed and specific as possible;

(c) The three-month period starts with the date of transmission of the note verbale to the governments of all States Parties to the Treaty and the President of the

Security Council. Any other declarations, public statements or letters of intention are in no way valid to shorten this period.

III. Implementing article X

4. The Review Conference should reiterate the following principles and examine the following measures:

(a) In the event that a State Party makes known its intention to withdraw from the Treaty under the provisions of article X, paragraph 1, request Depository States to begin immediately a consultation process of interested parties to explore ways and means to address the issues raised by the notification of intent, **taking also into account the state of compliance of the notifying party with its safeguards undertakings as assessed by IAEA**. Such notification would also prompt the depositories of the Treaty to consider the issue and its implications as a matter of urgency;

(b) Reiterate the key role of the Security Council as the final arbiter in maintaining international peace and security. Affirm that given the importance of the Treaty on the Non-Proliferation of Nuclear Weapons for international peace and security, a withdrawal notification under article X, paragraph 1, should be qualified as being of immediate relevance to the Security Council. Request that any withdrawal notification under article X, paragraph 1, prompt the Security Council to consider this issue and its implications as a matter of urgency, including examination of the cause for the withdrawal, which according to the requirements of article X has to be "related to the subject matter of the Treaty";

(c) Request that the Security Council further declare that, in case of a withdrawal notification under article X, paragraph 1, its consideration will include the matter of a special IAEA inspection of the notifying party.

IV. Effects of withdrawal

5. The Review Conference should reiterate the following principles and examine the following measures:

(a) Reiterate the principle whereby a State will remain internationally liable for violations of the Treaty committed prior to withdrawal;

(b) Affirm that the premeditation and the preparation of the withdrawal decision with a view to conducting a military nuclear programme constitute a violation of the objectives of the Treaty;

(c) Affirm that a withdrawal from the Treaty could in a given case constitute a threat to international peace and security;

(d) Affirm as a matter of principle that **all** nuclear materials, equipment, technologies and facilities, developed for peaceful purposes, of a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons remain, in case of a withdrawal from the Treaty, restricted to peaceful uses only and as a consequence have to remain subject to safeguards;

(e) Affirm, without prejudice to any other measure likely to be decided by the Security Council, that as a matter of principle, a State withdrawing from the Treaty should no longer use nuclear materials, facilities, equipment and technologies acquired from a third country prior to withdrawal; and that such nuclear facilities, equipment and materials must be frozen, with a view to having them dismantled and/or returned to the supplier State, under IAEA control. Steps to that end should be envisaged as soon as a withdrawal notification is issued;

(f) Request also that a clause prohibiting the use of transferred items in the event of a withdrawal be included in intergovernmental agreements defining the modalities for transfers of sensitive nuclear goods (enrichment, reprocessing) or for large-scale transfers;

(g) Request that the possibility for IAEA to continue implementing safeguards and, where relevant, certain Additional Protocol provisions, on all nuclear materials, facilities, equipment and technologies initially developed for peaceful purposes, during an indefinite period following a withdrawal, be examined.

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2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Multilateral nuclear fuel cycle arrangements

Working document submitted by Argentina

1. In June 2004, the Director General of the International Atomic Energy Agency (IAEA) convened an Expert Group which, following various meetings and seven months of work, issued a report on multilateral approaches to the nuclear fuel cycle. From a reading of the report (NPT/CONF.2005/18), points were drawn up for your consideration on proposals related to the nuclear fuel cycle.

I. Introduction

2. Argentina firmly supports the international nuclear non-proliferation regime and is committed to working to achieve its universal and effective implementation. In that connection, it believes that the pillars of such a regime are based in the Treaty on the Non-Proliferation of Nuclear Weapons and the multilateral safeguards regime, both being supplemented by regional non-proliferation instruments such as the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) or the Common System of Accounting and Control of Nuclear Materials established between Argentina and Brazil and its safeguards regime through the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials.

3. Cooperation in the peaceful uses of nuclear energy was, and still is, an essential part of the agreement that allowed the adoption of the Treaty on the Non-Proliferation of Nuclear Weapons. This is essentially reflected in paragraph 2 of article IV, whereby parties assume the obligation to cooperate with other States or international organizations to develop nuclear energy for peaceful purposes. Paragraph 1 of this article recognizes the inalienable right of all parties to develop research, production and use of nuclear energy for peaceful purposes. In reality, this right falls within the framework of an unquestionable general right to technological development, except where relinquished by agreement, which, in the case of the Treaty, is limited to nuclear weapons.

4. Renunciation of the development of nuclear weapons by States without nuclear weapons is counterbalanced by access to cooperation and the commitment by the five nuclear Powers to eliminate their nuclear arsenals.

II. The report of the experts

5. Argentina welcomed the Director General's initiative of convening the Expert Group on Multilateral Approaches to the Nuclear Fuel Cycle. Its report is a valuable input in exploring the options that multinational approaches would provide for increasing non-proliferation assurances in all aspects related to the complete nuclear fuel cycle, as well as their political, legal, technical and environmental viability and suitability.

6. Some proposals circulated on this topic before the Group was set up had a tendency to establish a limitation on the right of States to pursue technological developments in these fields, regardless of their record and conduct in the area of non-proliferation. According to this concept, that right could be reserved in the future only for a group of countries, or so that such activities are carried out through multinational approaches.

7. This criterion would point to the establishment of limitations on State sovereignty and independent ownership and control of a key technology sector, restricting the potential commercial benefits of these activities and technologies to just a few countries. The chapter referring to the future of these multilateral approaches echoes this concern. The report also mentions some of the options proposed in the restrictive sense described, including references to the fact that some of these are considered discriminatory while amendment of the Treaty to modify article IV is widely considered unacceptable.

8. In this respect, the report underscores the importance of article IV of the Treaty and the fact that all States parties now have the right to technological developments, insofar as these are not used to produce nuclear weapons and are in compliance with articles 1 and 2 of the Treaty. The report also points out that article IV confirms this inalienable right since it is clearly a pre-existing right under the Treaty and can therefore be amended or restricted only by an express agreement between the parties.

9. There are well-founded doubts about the viability and suitability of these multinational approaches being implemented universally as an effective means of strengthening the non-proliferation of nuclear weapons. The report states that there was no agreement among the experts in the Group on that point. In that regard, the report mentions that considerations on the political aspects of this matter are important in determining the perception about the viability and suitability of such multinational approaches.

10. One of the main merits of the report is that it recognizes that the multinational models applicable to the various stages of the complete nuclear fuel cycle depend on the will of their participants and so their exhaustive recommendations presuppose the existence of agreements between the States that decide to establish them. In that context, the report conducts a detailed analysis of options, with an evaluation of pros and cons, for each potential activity. It constitutes an appropriate guide, in that respect, for those who decide to establish multinational approaches.

11. The report also establishes, again with appropriate criteria, that a potential new international norm obliging activities related to the complete nuclear fuel cycle to be developed exclusively in the context of multinational approaches, and not as national activities, would involve a fundamental change to existing international

law, particularly with regard to the Treaty on the Non-Proliferation of Nuclear Weapons, and could only take place if transformed into a universal principle applying to all States and facilities related to those activities, without exception.

12. The existing multinational approaches used as models in the report, the advice of whose representatives the Expert Group was able to benefit from in its work, are undoubtedly successful examples from an economic and commercial point of view. However, their combined value in the field of non-proliferation appears more doubtful to the extent that most or all of these associations, as the case may be, comprise States that belong to the same economic and political organization and share a specific geographical space and central policies in the field of international security. Moreover, these multinational approaches also include nuclear-weapon States.

13. It is also important to emphasize that the report recognizes the role of IAEA in promoting the use of nuclear energy for peaceful purposes. This is of particular importance with respect to the task that the Agency should perform in assisting States parties in complying with their obligation to cooperate pursuant to paragraph 2 of article IV of the Treaty. This also underlines that this is a main function of the Agency, as important as that of non-proliferation.

14. The report also stresses the opinion of many States regarding the lack of sufficient progress on disarmament by the nuclear-weapon States in the context of article VI of the Treaty and the fact that this discourages some States from supporting new non-proliferation initiatives that would mainly have an impact on non-nuclear-weapon States. The same applies to the persistent delay in the initiation of negotiations on a verifiable Fissile Material (Cut-off) Treaty and the entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

15. It is also worth noting the importance that the report attaches to United Nations Security Council resolution 1540 (2004), which Argentina emphatically supports, and to the obligation that it imposes on all countries to adopt export controls on materials used in nuclear and other weapons of mass destruction.

16. One of the alternatives that the report analyses as an incentive for a State to forego the development of its own activities related to the complete nuclear fuel cycle, particularly as concerns enrichment and reprocessing, is to provide assurances of the supply of nuclear fuel based on various options. It should be pointed out that, in this respect, the report indicates that some States are not in a position to provide such an assurance in advance.

17. In summary, the report represents an important step in the search for alternatives to improve the nuclear non-proliferation regime and make it more effective and capable of helping to strengthen international peace and security. It is therefore a good basis for further study into the question of multilateral approaches to activities related to the complete nuclear fuel cycle.

III. Recommendations

18. Argentina is conscious that the regrettable events that have occurred recently in the area of nuclear non-proliferation justify trying alternative ways to confront such critical situations, with multinational approaches being one of the options. Consequently, the following elements need to be considered in relation to this topic.

19. At present, the obligation that complete nuclear fuel cycle activities should be developed only through multinational approaches is clearly not practicable.

20. In principle, it does not seem reasonable to consider any technology as intrinsically bad. Rather, it should be recognized that it is the use that can be made of them that could have negative connotations.

21. The importance of nuclear energy and its potential increase in the future is something generally recognized. All countries have the right to benefit from its potential for uses exclusively for peaceful purposes, in line with their own national priorities and objectives, and in conformity with international law, the general rules on non-proliferation and the need to eliminate threats to international peace and security.

22. In this respect, Argentina is convinced that the best method to strengthen and ensure nuclear non-proliferation is through the application of the existing elements in the international non-proliferation regime.

23. We would draw attention to any attempt to redefine the delicate balance of obligations contained in the Treaty on the Non-Proliferation of Nuclear Weapons, question its usefulness and relevance or, worse still, cast doubt on the rights of States to use technological developments for exclusively peaceful purposes. This could help to undermine the widely accepted system that the Treaty has created. Any proposal for the system to be modified that is seen as unfair by the international community as a whole, and that is aimed at establishing rights and obligations with a universal scope, could be condemned to failure and runs the risk of weakening the entire structure of the international non-proliferation system, which Argentina emphatically supports.

24. The merits of the Treaty are obvious. Its regime should therefore be strengthened and universalized, and its principles considered the acceptable international standard for conduct in the area of non-proliferation. The trade-off for these rights is that the international community must act effectively to prevent and sanction violations of the international non-proliferation regime, in all cases.

25. In accordance with paragraph 318 of the report (NPT/CONF.2005/18), Argentina believes that non-proliferation objectives can be better achieved through effective and efficient implementation of the existing elements in the international regime specifically designed for that purpose, such as: the implementation of safeguards, since these constitute a truly multinational approach in themselves; seeking to ensure the universality of the additional protocol; judicious implementation of the additional protocol and in keeping with risk analysis, not in a mechanistic or systematic way; implementing cost-effective safeguards; and being prepared to sanction those who commit serious violations of the regime, including through the Security Council, if appropriate.

26. The Agency should act as a guarantor of this objective through the dual roles of clarifying the peaceful nature of the nuclear programmes, where appropriate, and reporting facts that cast doubt on that peaceful nature, where necessary. In addition, where considered appropriate, it should help place limits on the development of activities considered sensitive, in specific and justified cases when international security is affected.

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27. It should be pointed out that the international non-proliferation system and its safeguards regime, even in their present state, provide legal and political mechanisms to address proliferation risks and take actions against those States that are found in violation of the letter or spirit of relevant international norms and standards, or that represent a threat to international peace and security. For the effective implementation of such a system, the members of the international community need to agree. A properly implemented collective security system could be more effective and appropriate in tackling cases of proliferation than seeking to impose on all States general new restrictions on the right to develop and acquire technologies related to the peaceful uses of nuclear energy, including those States that are in perfect compliance with international norms on the non-proliferation of nuclear weapons.

NPT/CONF.2005/WP.34*

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

19 May 2005

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New York, 2-27 May 2005

Further measures to be taken to strengthen the Treaty on the Non-Proliferation of Nuclear Weapons regime (Main Committee I issues)

Working paper submitted by Japan and Australia

1. The 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons provides States parties with a valuable opportunity to show their resolve to strengthen the Treaty regime, thereby contributing to international peace and stability.

2. Japan and Australia believe that States parties should redouble their efforts to reach a common understanding on measures to be taken for further strengthening the Treaty regime at the coming Review Conference.

3. To this end, Japan and Australia propose the following measures to be included in the document(s) to be issued as final product(s) of the 2005 Review Conference.

Universalization of the Treaty on the Non-Proliferation of Nuclear Weapons

4. The Conference urges all States not yet party to the Treaty, namely India, Israel and Pakistan, to accede to the Treaty as non-nuclear-weapon States promptly and without condition, and to bring into force the required comprehensive safeguards agreements and additional protocols. The Conference strongly urges the non-party States to refrain from acts which would defeat the object and purpose of the Treaty as well as to take practical steps in support of the Treaty, pending their accession to the Treaty as non-nuclear-weapon States.

Nuclear disarmament

5. In accordance with article VI of the Treaty and pursuant to paragraphs 3 and 4 (c) of the 1995 decision on "Principles and Objectives" and the Final Document of the 2000 NPT Review Conference, the Conference agrees that all States parties should take further practical measures towards the goal of nuclear disarmament.

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* Reissued for technical reasons.

I. Further reduction in nuclear arsenals

6. The Conference agrees that the realization of a safe world free of nuclear weapons will require further steps, including deeper reductions in all types of nuclear weapons by all the nuclear-weapon States with greater transparency and in an irreversible manner, in the process of working towards their elimination.

Treaty between the United States of America and the Russian Federation on Strategic Offensive Reductions

7. While recognizing the progress made by nuclear-weapon States on nuclear arms reductions, the Conference encourages the Russian Federation and the United States of America to implement fully the Treaty on Strategic Offensive Reductions and to continue their intensive consultations in accordance with the Joint Declaration on the New Strategic Relationship between the two States.

International cooperation on reducing nuclear-weapons-related materials

8. With a view to accelerating disarmament of nuclear weapons excess to military needs, the Conference encourages States to continue to pursue efforts within the framework of international cooperation aimed at the reduction of nuclear-weapons-related materials, such as the Cooperative Threat Reduction programme, and the Group of Eight Global Partnership against the Spread of Weapons and Materials of Mass Destruction.

II. Reducing the operational status of nuclear weapons systems

9. The Conference calls for the nuclear-weapon States to further reduce the operational status of nuclear weapons systems in ways that promote international stability and security.

III. A diminishing role for nuclear weapons

10. The Conference reaffirms the necessity of a diminishing role for nuclear weapons in security policies to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination.

IV. Securing fissile materials

11. The Conference stresses that fissile material resulting from reductions in nuclear arsenals must be controlled and protected to the highest standards, and calls for arrangements by all the nuclear-weapon States to place fissile material no longer required for military purposes under international verification as soon as is practicable to ensure such material is irreversibly removed from nuclear weapons use.

V. Early entry into force of the Comprehensive Nuclear-Test-Ban Treaty

12. The Conference reaffirms the importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty.

13. The Conference urges all States that have not yet ratified the Comprehensive Nuclear-Test-Ban Treaty, in particular those 11 States whose ratification is required for the Treaty to enter into force, to do so at the earliest opportunity.

Moratorium on nuclear-weapon test explosions

14. The Conference agrees that existing moratoriums on nuclear-weapon test explosions must be maintained pending entry into force of the Comprehensive Nuclear-Test-Ban Treaty.

Comprehensive Nuclear-Test-Ban Treaty verification regimes

15. The Conference reaffirms the importance of continued development of the Comprehensive Nuclear-Test-Ban Treaty verification regime, including the international monitoring system, which will be required to provide assurance of compliance with the Treaty.

VI. Fissile Material Cut-off Treaty

16. The Conference reaffirms the importance of immediate commencement of negotiations on the Fissile Material Cut-off Treaty, and its early conclusion.

17. The Conference stresses that a conclusion of the Fissile Material Cut-off Treaty will be an essential building block towards the total elimination of nuclear arsenals and will also contribute to the prevention of nuclear proliferation by banning globally the production of fissile materials for nuclear weapons and enhancing transparency and accountability in the management of such materials through its verification system.

18. The Conference calls upon all nuclear-weapon States and the non-States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to declare moratoriums on the production of fissile material for any nuclear weapons pending the entry into force of the Fissile Material Cut-off Treaty.

19. Given the importance of immediate commencement of negotiation of the Fissile Material Cut-off Treaty, the Conference regards it as a primary task for the Conference on Disarmament to reach agreement on a programme of work.

NPT/CONF.2005/WP.35

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

11 May 2005

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Working paper submitted by Belgium, Lithuania, the Netherlands, Norway, Spain, Poland and Turkey for consideration at the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

I. Preservation of the integrity of the Treaty on the Non-Proliferation of Nuclear Weapons regime

1. The States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons reaffirm the vital role the Treaty plays in promoting international peace and security and underline the importance of full compliance with all its terms.

2. Recent challenges to the Treaty and the non-proliferation regime have underlined the importance of working actively towards universal adherence and full compliance with the Treaty's provisions. A strong commitment by all parties to the goals set out in the Final Document of the 2000 Review Conference can contribute to ensuring the continued vitality of the Treaty.

3. Universal adherence to the Treaty is a core objective. We call on India, Israel and Pakistan to accede unconditionally to the Treaty as non-nuclear-weapons States. In this context, our countries stress the importance of the request by the States parties to the President of the 2000 Review Conference to convey formally the views of the States parties on the necessity of universal adherence to the Treaty to all non-States parties and to report their responses to the States parties. We deem such efforts to be a valuable contribution to enhancing the universal adherence to the Treaty.

4. The announcement by the Democratic People's Republic of Korea of its intention to withdraw from the Treaty raises important challenges to the credibility and the functionality of the Treaty. We continue to urge the Democratic People's Republic of Korea to return to full compliance with its international non-proliferation obligations under the Treaty, including its safeguards agreement with IAEA.

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5. In the context of an announced withdrawal from the Treaty, we reiterate the role of the United Nations Security Council in maintaining international peace and security and call for further definition of that role.

6. In view of the recent challenges, and taking into account the experience gained through more recent disarmament, arms control and non-proliferation treaties, ways and means should be explored to strengthen the institutional framework of the Treaty, thereby providing opportunities for States parties to consult on an annual basis. In order to deal effectively with non-proliferation compliance challenges, we look forward to discussing the establishment of an open-ended special committee on verification and compliance under the authority of the IAEA Board of Governors. Such a committee could usefully contribute to identifying new ways to exercise existing legal authorities to uncover and prevent prohibited activities.

7. We support Security Council resolution 1540 (2004), calling for effective measures by all States to prevent non-State actors from acquiring nuclear weapons. In this context we also support the Proliferation Security Initiative.

II. Safeguards and verification

8. We stress the obligation for the non-nuclear-weapons States to conclude safeguard agreements in accordance with article III of the Treaty. In this context, we consider the Comprehensive Safeguards Agreement (INFCIRC/153) combined with the Additional Protocol (INFCIRC/540), to be the verification standard under the Treaty. We strongly urge all States parties to conclude and implement such a protocol without delay, thereby enhancing confidence in compliance.

III. Accountability and transparency

9. We confirm the importance of measures aimed at increasing accountability and transparency with regard to nuclear arsenals. In addition to the transparency measures already agreed to in the Final Document of the 2000 Review Conference, we urge the nuclear-weapons States to commit themselves to provide periodically the aggregated number of warheads, delivery systems and stocks of fissile materials for explosive purposes in their possession. The nuclear-weapons States should provide this information in the form of regular reports under step 12 (article VI, para. 15) of the Final Document of the 2000 Review Conference.

10. To enhance regular reporting by all States parties on the implementation of article VI and paragraph 4 (c) of the 1995 decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", we emphasize the necessity for States parties to report to each session of the Preparatory Committee and to the Review Conference, as appropriate.

IV. Fissile material

11. A fissile material cut-off treaty constitutes the next logical step on the multilateral nuclear non-proliferation and disarmament agenda. Having recognized the desire to conclude a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear

weapons and other nuclear explosive devices, we call for the immediate commencement of negotiations without preconditions.

12. Pending the entry into force of such a treaty, we call upon all States concerned to declare or reaffirm a moratorium on the production of fissile material for nuclear weapons and other nuclear explosive devices and to take transparency measures related to production and stocks. Such steps could include verification activities at less sensitive facilities to gain verification experience in order to ease the implementation of the treaty and to confirm production moratoriums. These steps would undoubtedly be conducive to preparing the ground for expedient negotiations on a fissile material cut-off treaty and would, in their own right, be a useful interim contribution to nuclear non-proliferation.

13. We urge all nuclear-weapon States to conclude and to implement arrangements to place their fissile material, designated as no longer required for military purposes, under the IAEA verification regime. In particular, we call upon the early completion of the trilateral initiative between the Russian Federation, the United States of America and IAEA. We furthermore encourage other nuclear-weapon capable States to enter into such arrangements, as an important step in the direction of international control of excessive stocks of fissile materials and deeper multilateral reductions of nuclear arsenals.

14. To ensure that excess stockpiles of fissile material remain outside the military nuclear cycle, the principle of irreversible disposition should prevail. In this respect, we consider IAEA monitoring to be necessary. Trial visits and inspections could be considered as confidence-building measures.

15. Cooperative threat reduction programmes have proven to be an effective tool for reducing post-cold war nuclear threats and pre-empting new ones. We encourage the exploration of ways to expand such cooperation for the secure handling and control of nuclear material with a wider international participation.

16. Strict compliance with non-proliferation obligations will also help to prevent possible terrorist use of fissile material. Noting the IAEA plan of action, we urge States parties to support the additional measures proposed therein. In this respect, we particularly underline the importance of:

(a) Strengthening, effective implementation and consequent enforcement of national export controls and the application of the principle of full-scope safeguards as a condition of supply, when considering exporting sensitive nuclear-related materials, equipment and technologies;

(b) International coordination of national export policies and the need for all States parties to follow the understandings of the Zangger Committee and guidelines of the Nuclear Suppliers Group, when considering exporting sensitive nuclear-related materials, equipment, and technologies;

(c) Early conclusion of revisions of the Convention on the Physical Protection of Nuclear Material aimed at the strengthening thereof at the Amendment Conference, and its subsequent universal implementation. We call upon all States that have not yet done so to accede to the convention.

V. Peaceful uses

17. We recognize that the inalienable right of all States parties under article IV constitutes one of the fundamental provisions of the Treaty. While maintaining an overall commitment to this article, adherence to and compliance with the non-proliferation and verification requirements of articles II and III should be regarded as a precondition for the cooperation in peaceful uses of nuclear technology.

18. Adherence to the Additional Protocol and abstention from nuclear fuel cycle cooperation with States that are in non-compliance with their IAEA safeguards agreements are requirements for a stable, open and transparent international security environment in which peaceful nuclear cooperation can take place and can be enhanced.

19. We welcome early discussion of the report of the IAEA Expert Group on Multilateral Approaches to the Nuclear Fuel Cycle and underline the importance of better ensuring that nuclear fuel cycles will be exclusively used for peaceful purposes.

VI. Comprehensive Nuclear-Test-Ban Treaty

20. We consider the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty to be of the utmost importance. We therefore urge all States parties that have not yet done so, to sign and ratify this Treaty, without delay and without conditions. A special responsibility in this endeavour lies on the annex II States, and especially the nuclear-weapon States among them. Pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, we call upon all States with nuclear capabilities to abide by a moratorium on nuclear-weapon-test explosions or any other nuclear explosion, of which the importance is confirmed at the 2000 Review Conference.

VII. Negative security assurances

21. We are convinced that legally binding security assurances provided by the five nuclear-weapon States to the non-nuclear-weapon States would strengthen the nuclear non-proliferation regime, and advocate the commencement of negotiations to this end. Pending legally binding assurances, we call upon the nuclear-weapon States to abide by their unilateral security assurances.

VIII. Non-strategic nuclear weapons

22. The further reduction and ultimate elimination of non-strategic nuclear weapons, as called for in the Final Document of the 2000 Review Conference, constitute an integral part of the nuclear arms reduction and disarmament process. We call upon all States possessing non-strategic nuclear arms to include their reduction and ultimate elimination in the overall nuclear arms reduction and disarmament process.

23. We furthermore encourage the Russian Federation and the United States of America to fully implement the unilateral reductions already announced in the Presidential initiatives of 1991 and 1992 in a transparent, accountable, verifiable and irreversible manner. We call upon the Russian Federation and the United States to report regularly on the implementation of these initiatives and to codify them in a gradual and timely manner, including appropriate verification measures.

IX. Nuclear disarmament

24. We consider the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI, as one of the major achievements of the 2000 Review Conference. In this respect irreversibility is a core principle.

25. While welcoming the steps nuclear-weapon States have taken so far to reduce their nuclear arsenals, we encourage the nuclear-weapon States to continue their efforts in this respect. In this context, we welcome the conclusion of the Strategic Offensive Reductions Treaty (the Moscow Treaty) between the United States of America and the Russian Federation. While again recalling the importance of the principles of irreversibility and transparency, we consider this Treaty to be an important step in the field of international security, disarmament and non-proliferation.

26. We advocate a diminishing role for nuclear weapons in security policies to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination.

27. We support the reinforcement of nuclear-weapon-free zones and their extension to other regions of the world, in conformity with the 1999 United Nations Disarmament Commission guidelines.

28. Finally, we encourage the establishment, without further delay, of an appropriate subsidiary body in the Conference on Disarmament to deal with nuclear disarmament.

NPT/CONF.2005/WP.36

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Implementation of the 1995 resolution and 2000 outcome on the Middle East Working Paper submitted by Egypt to Main Committee II

1. The presence of an advanced unsafeguarded nuclear programme in the Middle East and the threat posed by such a programme to the security of the region had prompted Egypt and the States of the region to address this issue in several forums from an early date; beginning in the General Assembly in 1974, by calling for the establishment of a nuclear-weapon-free zone in the Middle East, and at the General Conference of the International Atomic Energy Agency (IAEA), by calling for the application of IAEA safeguards in the Middle East, as well as at successive review conferences of the Treaty on the Non-Proliferation of Nuclear Weapons.

2. Since 1974, the General Assembly has annually adopted resolutions calling for the establishment of a nuclear-weapon-free zone in the Middle East, and since 1979 has annually adopted resolutions addressing the risk of nuclear proliferation in the Middle East.

3. The outcome of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons consisted of a package of three decisions and one resolution:

- Decision on strengthening the review process for the Treaty;
- Decision on principles and objectives for nuclear non-proliferation and disarmament;
- Decision on the extension of the Treaty;
- Resolution on the Middle East. This resolution called upon all States in the Middle East that had not yet done so, without exception, to accede to the Treaty as soon as possible and to place their nuclear facilities under full-scope International Atomic Energy Agency safeguards.

4. The 2000 Review Conference reaffirmed the importance of the resolution on the Middle East adopted by the 1995 Review and Extension Conference and recognized that the resolution remains valid until its goals and objectives are achieved. It also recognized that the resolution is an essential element of the outcome of the 1995 Review Conference and of the basis on which the Treaty on the

Non-Proliferation of Nuclear Weapons was indefinitely extended without a vote in 1995.

5. Recognizing that all States of the Middle East, with the exception of Israel, had acceded to the Treaty, the 2000 Review Conference welcomed the accession by those States and reaffirmed the importance of Israel's accession to the Treaty and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East.

6. Furthermore, the 2000 Review Conference invited all States to issue and transmit declarations of support for establishing an effectively verifiable Middle East zone free of nuclear weapons, as well as other weapons of mass destruction, to the Secretary-General and to take practical steps towards that objective, and requested all States parties to report to the President of the 2005 Review Conference on the steps they have taken to promote the achievement of such a zone and the realization of the goals and objectives of the 1995 resolution. Pursuant to the mandate issued by the 2000 Review Conference to the Secretary-General, a compilation of those reports is contained in document NPT/CONF.2005/15.

7. The outcome of the 2000 Review Conference and the 1995 resolution on the Middle East represent a cumulative result that should be the point of departure for the 2005 Review Conference. At the same time, the outcome of the 1995 Review and Extension Conference of the Treaty represents an integrated whole, which would be compromised if any of its components were compromised.

8. Today, in May 2005, Israel remains the only State in the Middle East that has not acceded to the Treaty or placed its nuclear facilities under full-scope IAEA safeguards.

9. During the 2005 Review Conference, the States parties to the Treaty are expected to assess progress towards implementing that resolution since 1995 and the 2000 outcome, and to recommend a course of action for the full realization of its objectives. That task should be entrusted to a subsidiary body of the Conference to be established for that purpose.

10. Egypt believes that the States parties to the Treaty, in their consideration of the implementation of the 1995 resolution and 2000 outcome on the Middle East, should consider progress towards the fulfilment of the 2000 outcome, namely accession by Israel to the Treaty and the placement of all its nuclear facilities under comprehensive IAEA safeguards.

11. The Conference should adopt a commitment of States parties regarding specific actions to be taken during the forthcoming review cycle, given the lack of progress on the part of Israel towards accession to the Treaty or placement of its nuclear facilities under comprehensive safeguards. Such actions should include:

- Undertaking not to transfer nuclear-related material, technology or information to Israel, notwithstanding prior contracts or commitments;
- Commitment to deny access to nuclear-related facilities and laboratories to scientists and researchers from Israel.

12. States parties should report to the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, as well as to the Preparatory Committee meetings to be held in advance of that Conference, on the

status of trade in or transfer of nuclear or nuclear-related material or technology between them and Israel, as well as on the status of scientific cooperation or exchange in the nuclear field during the period preceding each session of the Preparatory Committee and Review Conference. The Secretariat is requested to prepare a compilation of those reports for consideration of this matter at the Preparatory Committee meetings and the 2010 Review Conference.

13. Furthermore, the Conference should consider appropriate measures to encourage and monitor progress towards realizing the goals of the resolution between successive review conferences, through an appropriate institutional structure of the Treaty that may be exclusively devoted to the Middle East or to a broader institutional arrangement. The measures should include:

- A standing committee that would initiate contacts with Israel and report on progress to successive review conferences and their Preparatory Committee meetings. The committee could be composed of the Chairman or bureau of each session of the Preparatory Committee and the three sponsors of the 1995 resolution;
- A special representative/envoy of the States parties to the Treaty supported by the Secretariat to undertake good offices with Israel on its accession to the Treaty, and report on progress to successive review conferences and their Preparatory Committee meetings.

14. States parties should continue to report through the Secretariat to the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, as well as to the Chairperson of the Preparatory Committee meetings to be held in advance of that Conference, on the steps they have taken to promote the achievement of a zone free of nuclear weapons in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East and of the outcome of the 2000 Review Conference on the Middle East. The Secretariat is requested to prepare a compilation of those reports for consideration of these matters at the Preparatory Committee meetings and the 2010 Review Conference.

15. It is imperative that a process be institutionalized for the follow-up and implementation of the 1995 resolution on the Middle East and the 2000 outcome on the Middle East until their objectives are fully realized. Failure to do so will ultimately undermine the credibility of the non-proliferation regime and the Treaty on the Non-Proliferation of Nuclear Weapons.

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European Union common approach

Cooperative Threat Reduction-Global Partnership initiative

Working paper submitted by Luxembourg on behalf of the European Union

1. During the preparatory process and the general debate of the Review Conference many delegations, including the presidency of the European Union, have highlighted the importance of the Cooperative Threat Reduction (CTR)-Global Partnership initiative and its relevance to nuclear disarmament and non-proliferation. This concept was also presented to the Conference on Disarmament and to the First Committee of the General Assembly.

2. The following considerations regarding the relevance of the CTR-Global Partnership for nuclear disarmament and non-proliferation are submitted below to the Review Conference:

(a) The nuclear arms reduction process, which has been developed in the past decades, has brought to the surface the enormous technical and financial problems connected with the actual elimination of nuclear weapons. The CTR-Global Partnership is one of the multilateral efforts aimed at addressing those problems;

(b) Canada, the European Union (and many of its member States on a national basis), Japan, the Russian Federation, Ukraine, the United States of America, and other countries have worked together, in particular under the CTR initiative, to secure and dismantle nuclear, biological and chemical weapons, materials, carriers and infrastructure. The culminating moment of those initiatives took place in Kananaskis, Canada, in June 2002, when the leaders of the Group of Eight (G-8) countries announced a "Global Partnership" against the spread of weapons and materials of mass destruction. Participants at the Summit pledged to raise up to US$ 20 billion over the following 10 years to address these threats;

(c) At a time when nuclear proliferation is a growing threat to international peace and security and when the risk that terrorists may seek access to nuclear weapons or to nuclear materials adds a new dimension to that threat, the

CTR-Global Partnership is a significant, additional way to accelerate the nuclear disarmament process;

(d) The nuclear component of the CTR-Global Partnership initiative is relevant to the review process of the Treaty on the Non-Proliferation of Nuclear Weapons and strengthens the Treaty both under article VI and under article I. In particular, the de-activation of thousands of nuclear warheads under this programme is to be considered an effective measure relating to cessation of the nuclear arms race and to nuclear disarmament;

(e) Many of the measures undertaken under the CTR-Global Partnership, such as the dismantlement of nuclear submarines, efforts to convert military stockpiles into a form no longer usable in nuclear weapons, respond to the objectives laid down in articles I and II of the Treaty;

(f) The CTR-Global Partnership initiative deals with highly sensitive materials and equipment. The fact that they have become the object of international cooperation enhances transparency and confidence. The initiative thus strengthens trust between States and facilitates the cessation of the manufacture of nuclear weapons, as envisaged in the preambular part of the Treaty;

(g) The CTR-Global Partnership initiative has facilitated accession to the Treaty by a number of countries, thus strengthening the nuclear non-proliferation regime. Other countries may join the initiative both as donors and as recipients.

3. **The Review Conference is invited to recognize the importance, from the point of view of nuclear disarmament, of the programmes for the destruction and the elimination of nuclear weapons and the elimination of fissile material as defined under the G-8 Global Partnership.**

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Nuclear Disarmament

Working paper submitted by Canada

Nuclear disarmament has, since the inception of the Treaty on the Non-Proliferation of Nuclear Weapons 35 years ago, been one of its three core commitments constituting the "grand bargain" of the Treaty. The viability of this Treaty depends on these commitments being honoured in deeds and not just words. Collective understandings of what the article VI obligation means in practice have been gradually developed through the Treaty review process. In 1995, the emphasis was on concluding the Comprehensive Nuclear-Test-Ban Treaty and the fissile material cut-off treaty and the pursuit of "systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons". In 2000, there was a further collective agreement on what needed to be done: the so-called 13 Steps, which actually include 18 measures for giving effect to the nuclear disarmament commitment. These steps are not a panacea nor a definitive listing, but they do constitute a common objective benchmark against which to measure progress in achieving nuclear disarmament. Consistent, demonstrable progress towards the elimination of nuclear weapons is what this Treaty needs to maintain its authority. If the credibility of the commitments assumed under this Treaty is compromised, States will gradually make other arrangements to assure their security interests and the resulting world may be a far more dangerous place than it is now. In the words of Mr. ElBaradei, of the International Atomic Energy Agency: "We have come to a fork in the road. Either there must be a demonstrated commitment to move toward nuclear disarmament, or we should resign ourselves to the fact that other countries will pursue a more dangerous parity through proliferation".

In our view, the benchmarks agreed in this forum are crucial for measuring and substantiating the progress the nuclear-weapon States are making in nuclear disarmament. To seek to ignore or circumvent them as mere political commitments of the past is to undermine all the political commitments made in implementation of the Treaty and to cast doubt upon the credibility of engagements entered into by current administrations or Governments. For our part, we do not insist on a rigid adherence to these steps, if nuclear-weapon States believe they have devised better ways of achieving the intent behind the steps. Such adjustments, however, need to be explained to the Treaty community. We all have a stake in the realization of these nuclear disarmament objectives. Let me take them up in turn:

Comprehensive Nuclear-Test-Ban Treaty (Steps 1 and 2): Achieving the entry into force of the Comprehensive Nuclear-Test-Ban Treaty remains a top priority for this regime. The Treaty, with its robust verification capacity in the International Monitoring System, represents an effective bar to both horizontal and vertical nuclear proliferation. Failure to bring this accord into force gives countries like the Democratic People's Republic of Korea a blank cheque for indigenous development of nuclear weapons. The eight Annex II signatories that have not yet ratified should do so without delay if united pressure is going to be brought to bear on the three holdouts who have failed to sign this vital treaty. If there are nuclear-weapon States that still harbour desires to keep the nuclear testing door open, let them be aware that others may exploit that opening if it is not firmly and decisively closed. Existing moratoria on nuclear tests are welcomed signs of restraint, but they can be terminated unilaterally and are no substitutes for a legally binding compact. Let us not delude ourselves — continued stalling on the Treaty imperils the nuclear non-proliferation and disarmament enterprise.

Fissile material cut-off treaty/Conference on Disarmament (Steps 3 and 4): Turning off the tap of fissile material production for nuclear weapons is another pressing priority on which no forward movement has been registered since 2000. The Conference on Disarmament had been given a specific mandate by the last Review Conference, which it has completely failed to realize. This is not the fault of the Conference on Disarmament, but of those States which have not yet displayed the political will and flexibility required to adopt an agreed programme of work incorporating negotiations on a fissile material cut-off treaty and discussion of three other priority issues. One of these is the topic of nuclear disarmament, for which again the Conference on Disarmament had a specific request from the membership of the Treaty on the Non-Proliferation of Nuclear Weapons. There is no point in this Conference in urging the Conference on Disarmament to take action if some States party to the Treaty then proceed to block the Conference on Disarmament from fulfilling these assignments. All that this accomplishes is to discredit multilateral cooperation on non-proliferation and disarmament with serious repercussions for the integrity of this Treaty. A bankrupt Conference on Disarmament will eventually lead to an insolvent Treaty unless other multilateral channels are found to advance its disarmament agenda.

Irreversibility and verifiability (Steps 5 and 6): To maintain the credibility of the undertaking, movement towards the elimination of nuclear weapons needs to be exclusively in one direction: downwards. Dismantled warheads should only be stored for so long as it takes to safely effect their destruction. Verification of disarmament progress is required to provide the necessary confidence to all parties that disarmament undertakings are actually being implemented. Transparency is also crucial, in this regard, to build that general confidence and moreover to ensure that the non-weapon States receive the credit they deserve for the disarmament action they have taken.

United States of America-Russian nuclear reductions and strategic stability (Step 7): As holders of the greatest store of nuclear weapons, the United States and Russia have special responsibilities to lead the way in nuclear disarmament. We welcome the May 2004 decision to cut the current American nuclear stockpile by almost 50 per cent, and we would encourage the United States to provide a timetable for accomplishing this reduction. We urge Russia to undertake a similar commitment. We applaud the progress being made in reducing deployed strategic warheads under the Moscow Treaty and the provision of more specific information on the number of United States warheads reduced since the Treaty was signed. We urge the parties to apply the principles of irreversibility, verifiability and transparency for the reasons cited above. Specific timetables for reaching the 2012 end state envisaged in the Moscow Treaty and greater specificity as to exactly what that end state will be (we admit a preference for the lower number) would be useful complements to the Treaty. We would also welcome indications from Russia and the United States of how the move to a warhead-based accounting system and the inclusion of non-strategic nuclear weapons (as envisaged in the START III framework), as well as the aim of strategic stability, are to be carried forward over the next five years.

Controls on fissile material (Steps 8 and 10): Given the obvious non-proliferation and disarmament benefits, we would have liked to have seen more significant progress in transferring surplus fissile material from military stockpiles to international controls. We call upon Russia and the United States to reactivate and implement the Trilateral Initiative or an equivalent and for all nuclear-weapon States to place excess military fissile material under IAEA or other international control. These measures are all the more compelling in light of the threat of terrorist acquisition.

Further nuclear disarmament measures (Step 9): All nuclear-weapon States have a responsibility to ensure that their actions and pronouncements are compatible with the general movement towards nuclear disarmament. Doctrinal or policy utterances that give the impression that nuclear weapons are being accorded increased importance in respective security policies are anathema to disarmament efforts and give rise to justified concerns as to the sincerity of the commitments entered into. While much attention has been shown to long-range nuclear systems, non-strategic nuclear forces represent no less of a danger. We welcome the information provided by the United States on its full implementation of the 1991 Presidential Nuclear Initiatives, and welcome the similar information from Russia, which we hope will be able to be expressed in numerical, as opposed to percentage, terms in the future. We also urge China to provide information concerning its contributions to nuclear disarmament. In Europe, the North Atlantic Treaty Organization (NATO) has made a significant contribution to reducing the numbers, types and operational status of nuclear forces. Last year it also provided important transparency about its actions and policies via publication of two fact sheets on its nuclear forces and its promotion of non-proliferation, arms control and disarmament objectives. We would welcome even greater engagement between NATO and Russia to build confidence and facilitate progress towards the goal of a nuclear-weapon-free Europe. Such a goal, of course, cannot be limited to one continent, and we encourage all those in possession of nuclear weapons to work progressively towards their elimination and not provide new impetus to destabilizing arms races.

Reporting (Step 12): If progress on nuclear disarmament is to be credible and credited, it should be properly documented. In our view, all States parties to the Treaty have a responsibility to account for how they are implementing the Treaty, and we welcome those who are doing so. We would like to see this Conference adopt a decision that would make annual reporting to Treaty sessions a requirement for all members. Given the interrelationship of the Treaty provisions, we would favour reports covering implementation of all aspects of the Treaty. This would represent a modest, but significant, act of participatory democracy by Treaty members and accountability before the Treaty community. We welcome the information on implementation provided by nuclear-weapon States in their statements and applaud Russia and China for conveying this in the form of a report to the Conference. We urge the other nuclear-weapon States to re-package their implementation statements as an official report to this Conference. Reports ensure an official record of the accomplishments of States in carrying out their Treaty commitments and give all a basis for factual comparison in the future. We urge acceptance of this proposal and have provided draft decision language in working paper 39, in the section on reporting.

Verification (Step 13): As mentioned earlier, Canada believes in the value of verification in the realization of non-proliferation, arms control and disarmament commitments. Agreements that lack serious verification provisions are essentially only declarations of good intent, subject to changing politico-security perceptions without notice. If agreements concerning sensitive weapons systems or material are to instil confidence among the parties that they are truly being implemented, there should be adequate verification of these accords. We consider that multilateral approaches here add real value to whatever national means might already be available. Recent events tend to bear this out. We also believe that verification efforts under the Treaty should not be only focused on its non-proliferation and peaceful uses aspects, but should include the development of verification techniques that can facilitate the elimination of nuclear weapons as well. We applaud the constructive work undertaken by the Government of the United Kingdom of Great Britain and Northern Ireland in this regard and would urge the other nuclear-weapon States to devote similar attention and resources to this problem.

This survey of the progress that has been made on nuclear disarmament in reference to the 13 steps agreed in 2000 suggests the value of having a set of objective benchmarks. Such reference points are not as vulnerable to distortion or subjective evaluation as are vague, general formulas. They are the nuclear-weapon States' friends, not their enemies, and should be treated as such. They tell us what has been achieved during the period under review and what remains to be accomplished in the years to come. One area where work remains to be accomplished, also reflecting engagements accepted in 2000, but not yet realized, is on negative security assurances. Canada supports beginning discussions on codifying negative security assurances on a legally binding basis. Let us all ensure that we advance along the road to a nuclear-free world in a coherent, consistent and transparent manner.

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Achieving permanence with accountability

Working paper submitted by Canada

Realizing fully the purposes and objectives of the Treaty on the Non-Proliferation of Nuclear Weapons requires a commitment by all States parties to effect full implementation and ensure the Treaty's overall authority. Achieving permanence with accountability, the concept that underlay the indefinite extension of the treaty, is also a key goal.

Canada proposes that the Review Conference adopt outcomes designed to meet these objectives, by modifying the way we do business and fostering improved transparency and accountability.

Following are the outcomes proposed by Canada:

Meetings

Recalling earlier Review Conference decisions on strengthening the Treaty review process, States parties recognize the need to have a capacity to consider, in a more authoritative and frequent manner, the state of the Treaty's implementation and to respond promptly to challenges to its fundamental purposes.

The States parties agree to meet annually in a one-week Conference of States Parties to consider and decide on any issues covered by the Treaty.

In the two years immediately preceding a Review Conference, the Annual Conference will be extended by one week to carry out the function of a Preparatory Committee. The Preparatory Committee will finalize the procedural arrangements and make every effort to produce a consensus report containing recommendations for that Review Conference.

States parties also agree to establish a standing five-person bureau of the Treaty comprised of the President of the Review Conference and the chairpersons of each of the Annual Conferences, to be elected at the end of each Review Conference with a mandate extending until the subsequent Review Conference. The membership of this bureau will reflect on an equitable basis the United Nations regional groups. The standing bureau will provide continuity and oversight of the Treaty on behalf of its members and is empowered to convene, pursuant to a consensus decision of its own, extraordinary sessions of the Conference of States Parties when situations arise that threaten the integrity or viability of the Treaty. Such an extraordinary Conference will be convened within two weeks of a State party having submitted a notification of intent to withdraw from the Treaty.

Reporting

The Conference recalls the decision of the 2000 Review Conference on regular reports and recognizes the value of reporting for building confidence in the Treaty regime by promoting transparency and accountability, and providing States parties a way to demonstrate their active commitment to and participation in the implementation of the Treaty.

The Conference reaffirms the importance of reporting and States parties agree to provide reports on an annual basis on the implementation of article VI and paragraph 4 (c) of the 1995 Decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament, and recalling the Advisory Opinion of the International Court of Justice of 8 July 1996. Recognizing the interrelationship of the provisions of the Treaty, the Conference encourages States parties to include in their reports implementation actions on all articles of the Treaty.

Civil Society

The Conference welcomes the continuing contributions of civil society and non-governmental organizations to promoting non-proliferation and disarmament, and thus to furthering the objectives of the Treaty, through public education, research and analysis, the mobilization of political will and the promotion of transparency.

The Conference continues to support the effective participation of representatives of non-governmental organizations in Treaty conferences and Preparatory Committee sessions and encourages the further development of rules of procedure and practice, in consultation with representatives of non-governmental organizations, to facilitate and optimize such participation. In accordance with current rules and past practice, representatives of non-governmental organizations are allowed to attend meetings of Treaty conferences and Preparatory Committee sessions, other than those designated as closed; to receive documents; to make written material available, at their own expense, to the participants; and to address delegates.

The Conference agrees that open meetings and appropriate seating arrangements for representatives of non-governmental organizations within the meeting rooms are important means of facilitating effective participation

The Conference agrees to extend the provision for representatives of non-governmental organizations to address sessions including meetings of the Committees and subsidiary bodies.

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The implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Working Paper presented by the State of Qatar on behalf of the States members of the League of Arab States

I. Background

1. The State parties agreed, at the 1995 Review and Extension Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), to extend the Treaty indefinitely in a package deal consisting of three decisions and the resolution on the Middle East. The Conference undertook to strengthen the Treaty, to achieve its universality, to adopt principles and objectives to address the implementation of the Treaty, and to establish a zone free of weapons of mass destruction in the Middle East.

2. During the period between the 1995 Review and Extension Conference and the 2000 Review Conference, and as a positive development owing to the Middle East resolution and the commitments declared by the 1995 Review and Extension Conference, the remaining members of the Arab League non-parties to the NPT acceded to the Treaty.

3. Israel remains the only State in the region that has not yet acceded to the Treaty and continues to refuse to place all its nuclear facilities under the full scope of International Atomic Energy Agency (IAEA) safeguards.

4. The 2000 Review Conference recognized that the 1995 resolution remains valid until its goals and objectives are achieved. It also recognized that the resolution is an essential element of the outcome of the 1995 Conference and of the basis on which the Treaty on the Non-Proliferation of Nuclear Weapons was indefinitely extended without a vote in 1995.

5. The 2000 Review Conference welcomed, inter alia, the fact that all the Arab States acceded to the Treaty, and called upon Israel, the only State in the Middle

East which has not done so, to join the Treaty and place all its nuclear facilities under the IAEA safeguards system.

6. The General Assembly, for the twenty-fifth consecutive year, adopted by consensus a resolution calling for the establishment of a nuclear-weapon-free zone in the region of the Middle East.

7. The General Assembly also continued to overwhelmingly support and adopt every year the resolution entitled "The risk of nuclear proliferation in the Middle East". The most recent of these resolutions is resolution 59/106, which expressed concern about the threats posed by the proliferation of nuclear weapons to the security and stability of the Middle East region, noting that Israel remains the only State in the Middle East that has not yet become party to the Treaty on the Non-Proliferation of Nuclear Weapons, and reaffirmed the importance of accession by Israel to the Treaty and placement of all its nuclear facilities and materials under comprehensive IAEA safeguards.

II. Position and proposals of the States members of the League of Arab States

8. The member States of the League of Arab States believe that the Treaty on the Non-Proliferation of Nuclear Weapons remains the core of the non-proliferation and disarmament regime, and that in spite of the lack of real advancement on its resolution, decisions and outcomes adopted by previous review conferences, they still believe that the 2005 Review Conference is an opportunity to review the operation of the Treaty, to agree on how practically to move towards implementing long-standing obligations, and to strengthen efforts to achieve its universality.

9. Over the span of 30 years, the Arab States sought to transform the Middle East into a zone free of nuclear weapons and other weapons of mass destruction. A number of Arab initiatives were launched, and dozens of resolutions were proposed to different multilateral disarmament forums. It is unfortunate that, in spite of international support for these Arab initiatives, no real practical steps have been taken at the international level to advance the implementation of these resolutions and the establishment of a zone free of weapons of mass destruction in the Middle East.

10. It has always been the conviction of the Arab States that the only practical solution to the issues of proliferation of weapons of mass destruction in the Middle East is to adopt a regional approach to the problem through establishing a verifiable zone free of weapons of mass destruction, and not through the present State-by-State approach which, from a regional security perspective, is biased and selective.

11. The 1995 resolution on the Middle East sponsored by the three depository States and adopted by consensus, was part and parcel of the package deal of extending the Treaty on the Non-Proliferation of Nuclear Weapons indefinitely. The resolution was also the main reason why all the Arab States acceded to the Treaty before the 2000 Review Conference. Israel remains the only State in the region that has not acceded to the Treaty and continues to refuse to place all its nuclear facilities under the full scope of the IAEA safeguards.

12. These facts were acknowledged by the 2000 Review Conference that welcomed the accession to the Treaty by all the Arab States, and stressed the importance of accession by Israel, it being the only State in the region that has not done so.

13. The outcome of the 2000 Conference was built on the 1995 resolution on the Middle East. The point of departure for the 2005 Review Conference should be based on the cumulative result of the outcomes of those two conferences. Taking into consideration that the outcome of the 1995 Review and Extension Conference of the Treaty on the Non-Proliferation of Nuclear Weapons represents an integrated package deal, it is important to note that if the 1995 resolution on the Middle East were compromised, all the outcomes of the 1995 Review and Extension Conference would be compromised.

14. Ten years have elapsed since the adoption of this resolution and five since the last Review Conference, without any serious attempt by the international community at implementing it. There is no mechanism for its implementation or follow-up.

15. The accession of all the Arab States in the region has not, unfortunately, provided them with the necessary security in the face of the threat of nuclear proliferation in the Middle East. Israel continues to defy the repeated calls by the international community to accede to the Treaty.

16. All the States parties to the Treaty, particularly the nuclear-weapon States, should shoulder their responsibilities by exerting their utmost efforts to achieve the full implementation of the resolution. The role of the three depository States is crucial to assist the Review Conference in elaborating practical steps to ensure the full implementation of the resolution and the realization of its objectives. They have to bring credibility to their actions taken at the 1995 Conference when they sponsored this important resolution.

17. Therefore it is imperative that the Conference, in addition to an unequivocal call demanding that Israel accede to the Treaty as a non-nuclear State without delay, should take the following steps:

(a) Establish a subsidiary body within Committee II to discuss the implementation of the Middle East resolution and prepare a follow-up mechanism;

(b) Establish a standing committee composed of members of the Bureau of the 2005 Review Conference to follow up intersessionally the implementation of the recommendations concerning the Middle East, in particular prompt accession by Israel to the Treaty on the Non-Proliferation of Nuclear Weapons and the placement of all its nuclear facilities under comprehensive IAEA safeguards, and report to the 2010 Review Conference and its Preparatory Committee meetings;

(c) Call upon the United Nations to convene an international conference to create a zone free of weapons of mass destruction in the Middle East;

(d) Obtain a clear commitment from all the nuclear-weapon States, in conformity with their obligations under article I of the Treaty, not to transfer nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly or indirectly to Israel, and not in any way to assist Israel, in a manner that would contribute to its ability to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices under any circumstances;

(e) In conformity with the seventh preambular paragraph and article IV of the Treaty, all States parties to the Treaty should declare their commitment not to transfer nuclear-related equipment, information, material and facilities, resources or devices, or assistance in the nuclear field to Israel, as long as it remains a non-party to the Treaty and has not placed all its nuclear facilities under full-scope IAEA safeguards. This should include a commitment to deny access to nuclear-related facilities and laboratories to scientists and researchers from Israel;

(f) These commitments should be monitored through reports by the States parties to the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, as well as to the Preparatory Committee meetings to be held in advance of that Conference. These reports should transparently report on the status of trade in or transfer of nuclear or nuclear-related material or technology between them and Israel as well as on the status of scientific cooperation or exchange in the nuclear field during the period preceding each session of the Preparatory Committee and Review Conference;

(g) The United Nations Secretariat is requested to prepare a compilation of those reports for consideration at the Preparatory Committee meetings and the 2010 Review Conference.

NPT/CONF.2005/WP.41

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Follow-up to the Advisory Opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*: Legal, technical and political elements required for the establishment and maintenance of a nuclear weapon-free world

Working Paper submitted by Malaysia, Costa Rica, Bolivia, Democratic Republic of Timor-Leste, Nicaragua, and Yemen

Introduction

1. The purpose of this paper is to:

   1.1. build on the Working paper submitted by Malaysia and Costa Rica to the 2000 NPT Review Conference "Follow-Up to the International Court of Justice Advisory Opinion on the *Legality of the Threat or Use of Nuclear Weapons*" (NPT/CONF.2000/MC.I/SB.I/WP.4);

   1.2. re-affirm the obligation of States parties to the NPT to pursue negotiations leading to complete nuclear disarmament, and the unequivocal undertaking by nuclear-weapon States to accomplish the total elimination of their nuclear arsenals, made in 2000, to implement this obligation;

   1.3. urge the fulfilment of this obligation through the commencement of negotiations which would lead to the conclusion of a nuclear weapons convention — or a framework of mutually reinforcing instruments — prohibiting the development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons and providing for their elimination under strict and effective international control; and

   1.4. continue to explore the legal, technical and political elements required for a nuclear weapons convention or framework of instruments, and integrate this exploration into the development of a programme for action at the 2005 NPT Review Conference, encompassing and extending the practical steps agreed in 2000 for systematic and progressive efforts to implement Article VI of the Treaty.

Background

2. Obligation to achieve the elimination of nuclear weapons:

2.1. At the 1995 Review and Extension Conference, Parties to the NPT agreed to pursue systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons.

2.2. On 8 July 1996, the International Court of Justice delivered an Advisory Opinion on the *Legality of the Threat or Use of Nuclear Weapons*, in which it concluded unanimously, inter alia, that "*the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law*" and that "there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control".

2.3. It is significant that the ICJ opinion affirmed that the obligation to negotiate for nuclear disarmament requires the following:

- negotiations on complete nuclear disarmament, i.e. the complete abolition and elimination of nuclear weapons.
- negotiations to be not only pursued, but to be brought to a conclusion.
- international control of the disarmament process.

2.4. It is also significant that the ICJ did not confine the disarmament obligation only to States parties to the NPT, but rather that this is a universal obligation.

2.5. The 2000 NPT Review Conference affirmed "an unequivocal undertaking by the nuclear weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States Parties are committed under Article VI".

2.6. The 2000 NPT Review Conference also called for "*The engagement as soon as appropriate of all the nuclear weapons States in the process leading to the total elimination of their nuclear weapons*," and began the process of considering some of the requirements for "*the achievement and maintenance of a nuclear weapon free world*," in particular the "*development of the verification capabilities that will be required to provide assurance of compliance*".

3. Proposal for a nuclear weapons convention or framework of mutually reinforcing instruments:

3.1. The General Assembly of the United Nations has called for implementation of the Advisory Opinion through the commencement of multilateral negotiations leading to the early conclusion of a nuclear weapons convention (General Assembly resolutions 51/45 M of 10 December 1996, 52/38 O of 9 December 1997, 53/77 W of 4 December 1998, 54/54 Q of 1 December 1999, 55/33 X of 20 November 2000, 56/24 S of 29 November 2001, 57/84 of 22 November 2002, 58/46 of 8 December 2003 and 59/83 of 3 December

2004 entitled "*Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons*").

3.2. The United Nations General Assembly has also adopted resolutions affirming that "*The maintenance of a world free of nuclear weapons will require the underpinnings of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments* (A/53/77 Y adopted 4 December 1998 and A/57/59 adopted 22 November 2003, entitled "*Towards a nuclear-weapon-free world: the need for a new agenda*").

4. The Non-Aligned Movement, at its XIII Summit from 20-25 February 2003, "emphasized the necessity to start negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time, including a Nuclear Weapons Convention".

Model Nuclear Weapons Convention

5. In 1997 Costa Rica submitted to the Secretary-General of the United Nations a Model Nuclear Weapons Convention drafted by an international consortium of lawyers, scientists and disarmament experts, setting forth the legal, technical and political issues that should be considered in order to obtain an actual nuclear weapons convention.

6. The Model Nuclear Weapons Convention was circulated as United Nations document A/C.1/52/7, along with the recommendation of Costa Rica that this be used to assist the deliberative process for the implementation of United Nations General Assembly resolutions entitled "*Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons*".

2000 Review Conference of the Parties to the NPT

7. At the 2000 NPT Review Conference, Malaysia and Costa Rica submitted a Working paper on "Follow-Up to the International Court of Justice Advisory Opinion on the *Legality of the Threat or Use of Nuclear Weapons*" (NPT/CONF.2000/MC.I/SB.I/WP.4).

8. The Working paper:

8.1. *underlined* the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control;

8.2. *called on States Parties* to commence multilateral negotiations leading to the conclusion of a nuclear weapons convention and *to invite* those States that have not acceded to the NPT to join in such negotiations; and

8.3. *called on States Parties to agree* to give consideration to the legal, technical and political elements required for a nuclear weapons convention or framework convention.

9. The practical steps agreed by States Parties in 2000 for systematic and progressive efforts to implement Article VI of the Treaty included a number of legal, technical and political steps which could provide a basis for some of the elements required for a nuclear weapons free world.

10. These include steps 1: entry into force of the Comprehensive Test Ban Treaty, 3: negotiations culminating in a fissile-material cut-off treaty, 5: application of the principle of irreversibility to nuclear arms control and disarmament measures, 9: steps by all the nuclear weapon States leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all, including unilateral reductions, transparency, reducing operational status and a diminishing role for nuclear weapons in security doctrines, 12: regular reports on implementation of Article VI, and 13: development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear weapon free world.

11. In addition, a number of working papers submitted to Preparatory Committee Meetings for the 2005 Review Conference provide a deeper exploration of specific steps agreed in 2000 and other steps relevant to the achievement and maintenance of a nuclear weapons free world. These include, inter alia, papers submitted on security assurances reductions of non-strategic nuclear weapons, compliance mechanisms, overcoming the institutional deficit of the NPT, verification, and comprehensive programmes for nuclear disarmament.

12. A comprehensive overview of the legal, technical and political requirements for a nuclear weapons-free world would be able to affirm such elements which already exist, assess those which are currently being developed, evaluate and link those which have been proposed, and identify additional elements which would also be required.

The path towards nuclear disarmament: step-by-step, comprehensive or incremental-comprehensive

13. There are three general approaches towards achieving nuclear disarmament. The first step, a step-by-step approach, entails negotiations on a limited number of initial steps towards nuclear disarmament, with additional steps being considered once the first steps are achieved. The step-by-step approach has achieved a number of concrete disarmament agreements. However, these have been limited in scope, have failed to illuminate the requirements necessary for the complete elimination of nuclear weapons, and have not brought the world much closer to the final goal of nuclear disarmament than when the NPT was adopted in 1970.

14. A divergent perspective calls for comprehensive negotiations on the complete prohibition and elimination of nuclear weapons. Most States are ready for such comprehensive negotiations, as evidenced by strong support for United Nations resolutions calling on the Conference on Disarmament to "commence negotiations on a phased programme of nuclear disarmament leading to the eventual elimination of nuclear weapons". (United Nations General Assembly resolution 58/56 adopted 3 December 2003). However, there is some opinion that a comprehensive approach could prevent progress due to the myriad of issues and disarmament requirements that would have to be addressed before any agreement could be reached. In addition, the fact that some States possessing nuclear weapons do not yet accept

comprehensive negotiations precludes the possibility of such an approach in the near future.

15. An alternative path forward, which combines the advantages of the first two approaches, has been described as incremental-comprehensive. Such an approach incorporates step-by-step measures within a comprehensive framework. This is an approach suggested — but not fully developed — by the programme of action agreed at the 2000 NPT Review Conference.

16. While it is important to concentrate international attention on concrete steps towards nuclear disarmament which are achievable in the short term, it is also important to simultaneously consider the requirements for a comprehensive nuclear disarmament regime in order to develop an international understanding of the final destination of nuclear disarmament steps. It can be difficult to construct a path to nuclear disarmament if we do not know more precisely what will be the end goal. Considering the elements of a nuclear disarmament regime at this stage could help give direction to intermediate steps and to overcome some of the roadblocks in the current disarmament forums.

17. Thus, the further development of an incremental-comprehensive approach would assist in the implementation of the programme of action agreed at the 2000 NPT Review Conference, and lead more quickly to the complete elimination of nuclear weapons. This can be best done by further exploration of the legal, technical and political elements required for the establishment and maintenance of a nuclear weapons-free world, and by the commencement of negotiations towards that end.

Consideration of the legal, technical and political elements required for a nuclear weapons convention or framework of instruments

18. Consideration should be given at the 2005 NPT Review Conference to the legal, technical and political elements required for the establishment and maintenance of a nuclear weapons-free world, with the aim to integrate such thinking into the development of a programme for action at the 2005 NPT Review Conference based on the practical steps agreed in 2000 for systematic and progressive efforts to implement Article VI of the Treaty. These elements may include:

- 18.1 Non-discriminatory general obligations, applicable to States and non-State actors, prohibiting the acquisition, development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons;
- 18.2 Interim control, protection and accounting of nuclear weapons and fissile material holdings;
- 18.3 Phases and steps for the systematic and progressive destruction of all nuclear warheads and their delivery vehicles;
- 18.4 Mechanisms for verifying the destruction of all nuclear weapons, including, inter alia:
    - Agreements on data sharing with States and existing agencies;

- An international monitoring system comprising facilities and systems for monitoring by photography, radionuclide sampling, on-site and off-site sensors and other data collection systems;
- Consultation and clarification procedures;
- On-site inspections;
- A registry including information gained from State declarations, the international monitoring system, national technical means, inspections, other international organizations, non-governmental organizations and publicly available sources.

18.5 Mechanisms for ensuring compliance including, inter alia:

- Technical assistance in destruction of nuclear weapons, delivery systems and facilities;
- Procedures for national implementation;
- Dispute resolution procedures;
- Penalties for non-compliance;
- Recourse to the United Nations Security Council, United Nations General Assembly and International Court of Justice for further action.

18.6 An international organization to coordinate verification, implementation and enforcement under strict and effective international control; and

18.7 Disarmament and non-proliferation education to ensure that key sectors of society understand the importance of achieving and maintaining a nuclear weapons free world and how they can contribute to this goal.

19. As noted above, some of these elements may already be in existence, albeit in an underdeveloped form or with limited application. This includes, for example, disarmament measures applied to a limited number of weapons, or fissile material controls and delivery system controls applied only to certain countries. Examples include mechanisms and controls established by the nuclear-weapon-free-zone treaties, International Atomic Energy Agency (IAEA), Preparatory Commission for the Comprehensive Nuclear Test Ban Treaty Organization (CTBTO), Intermediate Nuclear Forces Treaty (INF) and Strategic Arms Reduction Treaty (START). Other elements have been proposed or are being developed, but again mostly on a limited basis relating more to non-proliferation and disarmament steps but not to complete abolition. Consideration of the elements required for the complete prohibition and elimination of nuclear weapons would enable gaps to be identified, preparatory work undertaken and further steps completed.

Negotiations towards a Nuclear Weapons Convention or a framework of instruments for the complete abolition and elimination of nuclear weapons

20. For nuclear disarmament to occur, security for all will need to be maintained and enhanced. Thus, there are a number of political issues, in addition to those outlined above, that will need to be addressed. These include, inter alia, building confidence in each of the phased disarmament steps in order to proceed to the next steps, how to diminish the role of nuclear weapons in security doctrines pending nuclear abolition, building regional and international security without nuclear

deterrence, development of security assurances, achieving a balance between transparency and protection of sensitive information, the role of societal verification, how to build individual responsibility and protection into the disarmament process while respecting State sovereignty, and how to deal with delivery systems and dual-use materials — particularly plutonium and highly enriched uranium.

21. In addition there are a number of economic and environmental issues which will need to be addressed including the possible need for financial assistance for disarmament and the harmonizing of environmental standards for destroying weapons systems and disposing of fissile materials.

22. The best way to address these issues and to make progress towards complete nuclear disarmament is to commence negotiations within an incremental-comprehensive framework. Such an approach would allow for all relevant issues to be raised and addressed, and would also facilitate the completion of disarmament steps in areas where agreement can be reached within a short to medium timeframe. More difficult issues requiring more complex arrangements would be resolved through continuing negotiations and achieved in subsequent steps. This is what is envisaged in the call for the commencement of negotiations leading to the conclusion of a nuclear weapons convention or a framework of instruments for the complete abolition and elimination of nuclear weapons.

Conclusion

23. States Parties meeting at the NPT 2005 Review Conference are encouraged to develop programmes of action based on the programme agreed at the 2000 NPT Review Conference and the legal, technical and political elements outlined in this paper required for the establishment and maintenance of a nuclear-weapons-free world.

Recommendations

(a) *States Parties* agree to give further consideration to the legal, technical and political elements required for a nuclear weapons convention or a framework of instruments; and

(b) *States Parties* agree to commence multilateral negotiations leading to the conclusion of a nuclear weapons convention and *invite* those States that have not acceded to the Treaty on the Non-Proliferation of Nuclear Weapons to join in such negotiations.

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2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Views on substantive issues of the 2005 Review Conference

Working paper submitted by the Republic of Korea

Non-proliferation

1. The non-proliferation of nuclear weapons is a fundamental pillar of the NPT regime. Its objectives should be achieved and all obligations under the Treaty should be complied with by the States Parties.

2. The non-proliferation of nuclear weapons will not only contribute to enhancing regional and international peace and security but also to realizing the world free of nuclear weapons.

3. Universal adherence to the Treaty is a core element to prevent the spread of nuclear weapons. As such it is closely related to achievement of non-proliferation objectives.

Safeguards and verification

4. The IAEA safeguards system is a fundamental underpinning of the global nuclear non-proliferation regime. Its institutional and technical capabilities to detect non-compliance make it the first line of defence against proliferation. As such, it fosters confidence in the compliance of States Parties with their non-proliferation obligations, which is a prerequisite for unimpeded international cooperation for peaceful uses of nuclear energy. However, through recent experiences, it has become evident that the right under Article IV of the Treaty to develop complete nuclear fuel cycles, including uranium enrichment and the reprocessing of spent fuel, can be misused to produce fissile material with which to develop nuclear weapons.

5. As a remedy for this situation, the Republic of Korea believes that currently there is no better tool than the early universalization of the Additional Protocol, which will greatly enhance the IAEA's inspection and verification capabilities. Universalization of the Additional Protocol would enhance confidence in the compliance of States Parties with their non-proliferation obligations. The Republic of Korea urges those States that have not yet signed or ratified the Additional Protocol to do so without further delay.

Export controls

6. Revelations of covert nuclear weapons programmes and of the existence of an extensive nuclear procurement network awakened the international community to the real danger of nuclear terrorism through a coalition of nuclear peddlers and terrorists. This has strengthened the conviction that the international community needs new, innovative and supplementary measures for export control as much as it needs strengthening of existing export control regimes. In this regard, while the Republic of Korea endorses the leading roles of the Zangger Committee and the Nuclear Suppliers Group (NSG) in setting international norms for export control, it also welcomes and supports the G-8 Global Partnership and United Nations Security Council resolution 1540 to deal with the illicit trafficking of WMD and related materials involving non-State actors. In particular, the Republic of Korea attaches importance to the establishment and effective implementation of national systems of export control, as called for by resolution 1540.

7. The Republic of Korea assumed the chairmanship of the Nuclear Suppliers Group for 2003 and 2004 and is fully committed to non-proliferation objectives of the Group. In addition, the Republic of Korea assumed the chairmanship of the Missile Technology Control Regime (MTCR) for 2004 and 2005. The Republic of Korea also joined the global non-proliferation efforts of the G-8 Global Partnership in 2004.

Disarmament

8. The disarmament obligations by nuclear-weapon States laid out in Article VI of the Treaty are fundamental to the full implementation of the Treaty. The Republic of Korea welcomes the significant progress made thus far in the reduction of nuclear arsenals and the commitments for further reductions under the Moscow Treaty. Nevertheless, the Republic of Korea expects deeper cuts and further engagements by nuclear-weapon States.

9. The Republic of Korea recognizes the existence of perception gap between the record of nuclear-weapon States and the level of expectations held by non-nuclear-weapon States. Closing this perception gap will certainly provide nuclear-weapon States with the moral authority and the political legitimacy to strengthen non-proliferation norms while maintaining the delicate balance among the three main pillars of the NPT.

10. The Republic of Korea underscores the importance of the faithful implementation of the "Principles and Objectives" adopted at the 1995 NPT Review and Extension Conference and the 13 practical steps contained in the Final Document of the 2000 NPT Review Conference.

11. The Republic of Korea reaffirms the importance and urgency of the entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT). The Republic of Korea calls upon all States that have not yet ratified the Treaty, particularly those eleven States whose ratification is required for its entry into force, to do so without further delay. Meanwhile, pending the entry into force of the CTBT, it is imperative to maintain the moratorium on nuclear test explosions.

12. The Republic of Korea calls for prompt commencement of negotiations on the Fissile Material Cut-off Treaty (FMCT) and its early conclusion. The Republic of Korea calls upon nuclear-weapon States and non-NPT States to declare and abide by a moratorium on the production of fissile material for any nuclear weapons pending the entry into force of the FMCT.

Nuclear-weapon-free zones (NWFZs)

13. The Republic of Korea acknowledges the important role of nuclear-weapon-free zones (NWFZs) in enhancing global and regional peace and security. As mechanisms to inhibit any type of availability of nuclear weapons, the NWFZs have been and will remain useful tools not only for non-proliferation but also for disarmament over the longer term. The Republic of Korea continues to support the guidelines and principles on the establishment of NWFZs that were adopted by consensus at the 1999 United Nations Disarmament Commission. The Republic of Korea also supports efforts to establish and expand NWFZs wherever practicable, particularly the establishment of the Nuclear-Weapon-Free Zone in Central Asia, as provided for in the Final Document of the 2000 NPT Review Conference.

14. On the Korean Peninsula, an innovative initiative as similar as a nuclear-weapon-free Zone has already been taken. Both Koreas signed the Joint Declaration on the Denuclearization of the Korean Peninsula on 20 January 1992 and it entered into force on 19 February 1992. In this connection, North Korea is urged once again, in conformity with the letter and spirit of the Joint Declaration, to dismantle all of its nuclear programmes and return to the NPT.

Negative security assurances (NSAs)

15. In order to deal with the issue of non-proliferation more fundamentally, the Republic of Korea recognizes the need to address the root causes of proliferation. In this regard, the Republic of Korea believes that one of the most effective ways to prevent proliferation is to eliminate the incentives for acquiring nuclear weapons, while ensuring that nuclear options are ultimately negative to the security interests of the proliferators. Insecurity, real or perceived, is in many instances a key motive for the pursuit of nuclear weapons. In dealing with these complexities, the international community must redouble its efforts to alleviate security concerns that have prevented certain states from joining the NPT and caused others to clandestinely pursue nuclear weapons capabilities.

16. As a practical means of reducing the sense of insecurity, the Republic of Korea supports the concept of negative security assurances. In this regard, the Republic of Korea believes that nuclear-weapon States should provide strong and credible security assurances to non-nuclear-weapon States that faithfully meet their NPT and other safeguards obligations. At the same time, the Republic of Korea also recognizes the value of providing enhanced security assurances and other incentives to those States Parties that voluntarily accept additional non-proliferation commitments beyond the parameters of the NPT.

Reporting

17. The Republic of Korea attaches importance to transparency and accountability of nuclear-weapon States in fulfilling their disarmament obligations. Increased transparency and accountability will be conducive to reducing controversy surrounding the process of nuclear disarmament. In this regard, the Republic of Korea encourages nuclear-weapon States to report progress on disarmament to the international community on a regular basis. Nuclear-weapon States are also encouraged to report on their nuclear arsenals and inventories of fissile materials for weapons purposes. However, with regard to the modality of reporting, the Republic of Korea, on a practical aspect, takes note of the view that reporting can be flexible in its scope, format and framework.

Peaceful uses of nuclear energy

18. The Republic of Korea places utmost value on the right to peaceful uses of nuclear energy. As a country that depends on nuclear energy for 40 per cent of its electric power supply and has the world's sixth-largest civil nuclear industry, with 19 power reactors in operation and 7 additional reactors either under construction or in the planning stages, the Republic of Korea views this inalienable right as indispensable to its sustainable development. Nevertheless, the Republic of Korea believes that there should be proper safeguards against the possible abuse of this right by potential proliferators. The right to peaceful uses of nuclear energy under Article IV of the Treaty is not absolute, but conditioned upon compliance with non-proliferation and safeguards obligations under Articles II and III.

19. Addressing public concerns about the safety and security of nuclear power is also crucial for the promotion of the peaceful uses of nuclear energy. In this regard, the Republic of Korea welcomes the important progress that has been made in recent years, particularly through the establishment of global norms and standards governing nuclear safety and security such as the Convention on Nuclear Safety, the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, and the Convention on the Physical Protection of Nuclear Material.

20. The Republic of Korea reiterates the importance of the IAEA's role in vitalizing and expanding technical cooperation to promote the peaceful uses of nuclear energy in the developing world. The Republic of Korea commends the IAEA Secretariat for its dedicated efforts to enhance the Agency's technical cooperation programmes. The Republic of Korea shares the view that the Agency should be provided with sufficient resources to facilitate its technical cooperative activities.

Multilateral approaches to the nuclear fuel cycle

21. In view of the direct proliferation danger associated with sensitive fuel-cycle technologies and facilities, the Republic of Korea recognizes the need to control their transfer, particularly to countries of proliferation concern or those countries that have no legitimate need for such technologies and facilities in terms of economic feasibility or energy security. In this regard, the Republic of Korea

believes that secure guarantees for fuel supply at a reasonable price should be provided to those countries that voluntarily forego the possession of sensitive fuel cycle facilities.

22. The Republic of Korea commends the Director General of the IAEA for recognizing the need to address this issue by commissioning the report of the independent Expert Group on Multilateral Approaches to the Nuclear Fuel Cycle. The Republic of Korea welcomes this report and looks forward to extensive discussions on this issue.

General issues

North Korean nuclear issue

23. North Korea's disregard for and defiance of nuclear non-proliferation norms under the NPT regime and announcement of withdrawal from the Treaty is currently the most daunting challenge.

24. In this regard, the Republic of Korea wishes the following elements to be duly reflected by the Conference:

> The Conference expresses deep concern about North Korea's nuclear programmes and particularly its recent statements that it is in possession of nuclear weapons. The Republic of Korea affirms its conviction that North Korea's nuclear programmes, along with its decision in 2003 to withdraw from the Treaty, not only pose a serious challenge to the integrity and credibility of the global non-proliferation regime but also to peace and security on the Korean peninsula and beyond. While the Conference reaffirms its commitment to the integrity of the NPT, it urges North Korea to promptly come into full compliance with the NPT, in particular, without engaging in any attempt to further deteriorate the situation. The Conference urges North Korea to dismantle, once and for all, all of its nuclear programmes, including uranium enrichment programme, in a thorough and transparent and verifiable manner. The Conference also emphasizes the importance of an expeditious resolution of this issue through peaceful and diplomatic means within the framework of the Six-Party Talks. In this regard, the Conference urges North Korea to return to the Six-Party Talks without further delay.

Universality

25. The Republic of Korea welcomes the accession to the NPT by Cuba in November 2002 and by Timor-Leste in May 2003. The Republic of Korea believes that their accession will lead the Treaty one step forward toward universality of the NPT.

26. The Republic of Korea urges the three remaining States still outside the NPT, namely India, Israel and Pakistan, to join the Treaty as non-nuclear-weapon States without further delay and without preconditions, and to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty. The three non-States Parties are also urged to refrain from acts which are contrary to the object and purpose of the Treaty, including any nuclear test explosions and transfer of sensitive nuclear materials and technologies, pending their accession to the Treaty as non-nuclear-weapon States.

Withdrawal

27. The expansion of the NPT for the last 35 years is remarkable. From the initial signatories of 59 countries in 1968, its membership has now grown into a significant magnitude of 189 States Parties. The sheer number of the States Parties to the NPT attests clearly to the importance of the Treaty as a cornerstone of non-proliferation regime. The Republic of Korea shares the view that these gains should not be impaired by any attempt of withdrawal from the Treaty, while the unanimous goal of attaining universality of the Treaty should be persistently pursued.

28. The misuse of the right to withdrawal by determined proliferators, particularly through arbitrary interpretation of the provisions of Article X, poses a serious challenge to the future of the NPT. If such proliferators are allowed to withdraw from the Treaty with impunity once they have acquired necessary materials and technologies to manufacture nuclear weapons, particularly under the cover of ostensibly peaceful nuclear activities guaranteed by Article IV of the Treaty, the NPT may be faced with the unprecedented challenge of deuniversalization of the Treaty.

29. The Conference should address this issue seriously and reaffirm the principle that a State Party remains responsible for violations of the Treaty committed prior to withdrawal. The Conference should also explore viable remedial measures to this end.

Institutional deficit

30. The Republic of Korea shares the concern that the NPT regime suffers from institutional deficit. The Republic of Korea believes that the NPT needs better tools to respond more effectively and promptly to extraordinary and troubling situations involving threats to the Treaty. In this regard, the Republic of Korea welcomes proposals to adopt a new arrangement for an annual forum, making the best use of the time and resources currently allotted for the review process.

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Working paper based on the European Union Statement for Main Committee I

Submitted by Luxembourg on behalf of the European Union, the acceding countries Bulgaria and Romania, the candidate countries Croatia and Turkey, the countries of the Stabilization and Association Process and potential candidates Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, and Serbia and Montenegro, as well as Norway, member of the European Economic Area

1. The NPT is an irreplaceable multilateral instrument for maintaining and reinforcing international peace, security and stability. It is of crucial importance that all States Parties fully comply with it. The EU is committed to preserving the integrity of the Treaty. This commitment is enshrined in its Strategy against the Proliferation of Weapons of Mass Destruction, approved by the Heads of State or Government in December 2003, and in the Common Position on the universalization and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery, adopted by the EU Council in November 2003. Integral to this strategy is our conviction that a multilateral approach to international security, including disarmament and non-proliferation, is the best way of maintaining international order. These principles determine the attitude to be taken by the European Union at this important 2005 NPT Review Conference.

2. The EU continues to regard the Treaty on the Non-Proliferation of Nuclear Weapons as the cornerstone of the global non-proliferation regime, the essential foundation for the pursuit of nuclear disarmament under Article VI of that Treaty and an important element in the further development of the applications of nuclear energy for peaceful purposes. On the occasion of this Conference, the EU reaffirms its support for the decisions and the resolution adopted at the 1995 Review and Extension Conference and for the Final Document of the Review Conference held in 2000 and bearing in mind the current situation. We look forward to examining all the relevant issues during this Conference.

3 The EU welcomes the accession to the NPT in 2002 and 2003 respectively of Cuba and Timor-Leste. Cuba's accession to the NPT and to the Tlatelolco Treaty

completed the establishment of the nuclear-weapon-free zone in Latin America and the Caribbean.

4. The NPT is one of the most important legally binding multilateral instruments for maintaining and reinforcing international peace, security and stability; all the States parties are extremely committed to it. Nothing should be undertaken that could endanger the integrity of the Treaty and undermine the essential equilibrium contained in it, for the sake of our common good: peace, security and stability.

5. The EU welcomes the end of the arms race between the USSR and the United States since the end of the Cold War. Major reductions in strategic and non-strategic nuclear arsenals and their means of delivery have taken place since then and the EU looks forward to further systematic and progressive efforts towards nuclear disarmament.

6. The EU welcomes the Moscow Treaty which entered into force on 1 June 2003. Under this Treaty the United States and the Russian Federation will reduce their operationally deployed strategic nuclear warheads to between 1,700 and 2,200 by 31 December 2012. This is an important step in the context of international security and a contribution to the efforts of the international community in the field of nuclear disarmament and non-proliferation. In this context, the principles of irreversibility, transparency and verifiability remain important. The EU expects further reductions in the Russian and American arsenals.

7. The EU also welcomes the fact that many facilities for the production of nuclear materials for nuclear weapons have been shut down or dismantled. Four of the five nuclear-weapon States are observing moratoria on the production of these fissile materials. The EU calls on China to join the other nuclear-weapon States in declaring a moratorium on the production of fissile materials for nuclear weapons or other nuclear explosive devices and to abstain from any increase in its nuclear arsenal.

8. The EU recognizes the importance, from the point of view of nuclear disarmament, of the programmes for the destruction and elimination of nuclear weapons and the elimination of fissile material exceeding defence requirements under the G8 Global Partnership.

9. The issue of non-strategic nuclear weapons was included in the Final Document of the 2000 Review Conference. Reductions in these weapons are an integral part of the nuclear arms control and disarmament process. We look forward to the fulfilment of the United States and Russian 1991-1992 Presidential declarations on unilateral reductions in their stocks of tactical nuclear weapons, as well as of the commitments made by relevant States at the 2000 Review Conference. We encourage all States concerned to start negotiations on an effectively verifiable agreement to best achieve the greatest possible reductions in these weapons.

10. We underline the importance of international cooperation for the elimination of weapons of mass destruction. The EU and its Member States fully support the G8 Global Partnership, to which they make a major contribution; the Partnership works effectively towards disarmament and non-proliferation of weapons of mass destruction and their means of delivery. The comprehensive set of non-proliferation principles set out at the G8 Kananaskis Summit in 2002 constitute the criteria to be adopted and implemented to allow genuine international cooperation in the field of the elimination of weapons of mass destruction and their means of delivery. The

European Union is committed to continuing its cooperation programmes for non-proliferation and disarmament. We consider that cooperative threat reduction is an effective tool of nuclear disarmament and non-proliferation. The EU envisages expanding its programmes in this area.

11. The EU Member States attach the utmost importance to achieving the universality of, and universal compliance with, the NPT. This is part of the Union's strategy. The EU regrets that there are three countries, India, Israel and Pakistan, still outside the Treaty. In accordance with the EU Common Position on the universalization and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery, adopted in November 2003, we continue to call on them to accede unconditionally to the NPT as non-nuclear-weapon States.

12. The nuclear arsenal of those States which are not parties to the Treaty is a serious topic of concern, with regard to Article VI of the Treaty. Further to the report of the United Nations High-Level Panel, the EU calls on those States which are not parties to the NPT to commit themselves to non-proliferation and disarmament, to ratify the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and to give their support to negotiations for a Fissile Material Cut-off Treaty (FMCT).

13. The EU continues to monitor the situation in South Asia. We note the declared moratoria by India and Pakistan on nuclear testing and their willingness to participate in the negotiation of a Treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices. We call on those States to take and apply all necessary measures towards fulfilling their aforementioned promises. We further note with appreciation the inclusion of nuclear confidence-building measures as part of the announced composite dialogue between India and Pakistan. The EU calls on India and Pakistan to declare moratoria on the production of fissile material of weapons quality and to sign and ratify the CTBT, which would be a vitally important confidence-building measure.

14. In terms of security, not only has the risk of regional conflicts increased but the threat of the proliferation of weapons of mass destruction and their means of delivery has become more pronounced. In this context the EU is deeply concerned that some non-nuclear-weapon States Parties to the Treaty do not always comply with their obligations regarding non-proliferation.

15. The fact that 106 States Parties have not put into force an Additional Protocol constitutes a major non-proliferation deficit; where an Additional Protocol is implemented in a country, this unequivocally permits the IAEA to give credible assurances that it has no undeclared nuclear activities.

16. As recommended by the United Nations High-Level Panel Report on Threats, Challenges and Change, the Board of Governors of the International Atomic Energy Agency (IAEA) should recognize the Comprehensive Safeguards Agreements and the Additional Protocols as today's standard for IAEA safeguards.

17. As recommended by the United Nations High-Level Panel, the EU urges the States concerned to take practical measures to reduce the risk of accidental nuclear war.

18. The EU encourages all States to participate in the Proliferation Security Initiative (PSI) and welcomes the fact that the United Nations High-Level Panel also

refers to this Initiative in its recommendations. The EU also invites all States to join the Global Threat Reduction Initiative (GTRI). The G8 Global Partnership Initiative and the efforts to strengthen the Convention on the Physical Protection of Nuclear Material should be welcomed.

19. The EU remains committed to the implementation of the resolution on the Middle East adopted by the 1995 NPT Review and Extension Conference. We call upon all States in the region that have not yet done so to accede to the biological and chemical weapons conventions and to the NPT. The EU calls upon the States of the region to undertake to establish a zone free from weapons of mass destruction and all missiles for their delivery, as referred to in United Nations Security Council resolution 687 with an effective verification system. In view of recent revelations it is essential that, in pursuing this goal, the States of the region strictly abide by the commitments they have entered into. We believe that the conclusion by all States in the region of Comprehensive Safeguards Agreements with the IAEA and Additional Protocols should be a priority for the international community as a whole and would represent a crucial contribution to an overall improvement in security and confidence in the Middle East.

20. The EU strongly condemns the DPRK's announcement of 10 February that it has produced and now possesses nuclear weapons, and strongly urges the DPRK to completely dismantle any nuclear weapons programme in a prompt, transparent, verifiable and irreversible manner.

21. The EU would like to reiterate its strong support for dialogue in the framework of the Six Party Talks and trusts that the Six Party Talks will resume without further delay and without pre-condition.

22. North Korea's announcement of its intention to withdraw from the Treaty has posed an unprecedented challenge; it has provoked a debate on the implementation of Article X of the Treaty, which has been echoed by the United Nations High-Level Panel and the Director-General of the IAEA. The EU feels that the withdrawal issue should be given serious consideration by the Review Conference. It will be making specific proposals during the Conference.

23. The EU regrets the ongoing stalemate in the Conference on Disarmament and is convinced that the new threats to peace and security require that this standstill be overcome as soon as possible. The EU is committed to reaching a consensus on a programme of work in the CD and welcomes the fact that new ideas have been put forward over the last few years. We appreciate these efforts aimed at promoting consensus for a programme of work. In the context of the NPT, recommencement of substantive work within the CD is particularly significant in relation to the negotiations on a treaty banning the production of fissile materials for nuclear weapons.

24. The EU calls on the Conference of Disarmament for the immediate commencement and early conclusion of a non-discriminatory, universally applicable Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, without pre-conditions, and bearing in mind the special coordinator's report and the mandate included therein. Pending entry into force of the said Treaty, the EU calls on all States to declare and uphold a moratorium on the production of fissile material for nuclear weapons or other nuclear explosive

devices. The EU welcomes the action of those of the five nuclear-weapon States which have declared the relevant moratorium.

25. Some 175 States have now signed Comprehensive Nuclear-Test-Ban Treaty, of which 120 have ratified. The EU reiterates that it attaches the utmost importance to the entry into force of the CTBT at the earliest possible date. We call upon all States who have not done so, and in particular those States named in Annex II to the Treaty, whose ratification is required for entry into force, to sign and ratify the Treaty without delay and without conditions. In this context we welcome the recent ratification by Algeria and the Democratic Republic of the Congo of the CTBT which brings us closer to both universalization and entry into force. Pending the entry into force of the CTBT, the EU urges all States to abide by a moratorium and to refrain from any actions which are contrary to the obligations and provisions of the CTBT. The EU is actively involved in promoting universal adherence to the CTBT and participated actively in the Conference on Facilitating the Entry into Force of the CTBT held in Vienna on September 2003. We take this opportunity to commend the work of the Provisional Technical Secretariat of the CTBTO (Comprehensive Nuclear-Test-Ban Treaty Organization) under the direction of Mr. Wolfgang Hoffmann and to welcome the appointment of Mr. Tibor Toth to the post of Executive Secretary of the CTBTO Preparatory Commission.

26. The EU stresses the need for general disarmament.

27. The EU recognizes the continuing high value of the existing legally binding security assurances, provided through the Protocols to the Treaties establishing nuclear-weapons-free zones and the unilateral declarations, given by nuclear-weapons States to the non-nuclear-weapons States Parties to the NPT on the use or threat of use of nuclear weapons and noted by United Nations Security Council resolution 984 (1995) and reaffirmed at the 2000 Review Conference. The EU Strategy on Weapons of Mass Destruction indicates that positive and negative security assurances can play an important role in the NPT regime. They can serve both as an incentive to forego the acquisition of WMD and as a deterrent. In our WMD Strategy we are committed to promoting further consideration of security assurances

28. In order to help reach a consensus at our Review Conference, the Council of the European Union has adopted a Common Position on the 2005 NPT Review Conference. The EU Council identified a number of issues which we consider fundamental, covering the NPT's three pillars non-proliferation, disarmament and use of nuclear energy for peaceful purposes. Where these issues are disarmament-related you will find them in the printed version of my declaration; I shall not list them orally:

- undertaking efforts to preserve the integrity of the NPT and strengthen its implementation;
- recognizing that the NPT is a unique and irreplaceable multilateral instrument for maintaining and reinforcing international peace, security and stability, in that it establishes a legal framework for preventing increased proliferation of nuclear weapons and for developing further a verification system guaranteeing that non-nuclear-weapons States use nuclear energy solely for peaceful purposes, and that it represents the essential foundation for the pursuit of nuclear disarmament in accordance with Article VI thereof;

- working towards universal accession to the NPT;
- stressing the absolute necessity of full compliance with all the provisions of the NPT by all States Parties;
- calling on all States not party to the NPT to pledge commitments to non-proliferation and disarmament and calling on those States to become States Parties to the NPT as non-nuclear weapon States;
- calling on all States in the region to make the Middle East into an effectively verifiable zone free of nuclear weapons and other weapons of mass destruction and their delivery systems, in keeping with the Resolution on the Middle East adopted at the 1995 Review and Extension Conference;
- since security in Europe is linked to security in the Mediterranean giving top priority to implementation of the nuclear non-proliferation regime in that region;
- acknowledging the importance of nuclear-weapon-free zones for peace and security, on the basis of arrangements freely entered into between the States of the region concerned;
- stressing, while acknowledging the nuclear arms reductions which have taken place since the end of the cold war, the need for an overall reduction in nuclear arsenals in the pursuit of gradual, systematic nuclear disarmament under Article VI of the NPT and welcoming, in this context, the ratification of the Moscow Treaty by the Russian Federation and the United States of America in 2003, while stressing the need for more progress in reducing their arsenals;
- stressing the need to implement the declarations made by the Presidents of Russia and America in 1991 and 1992 on unilateral reductions in their stocks of non-strategic nuclear weapons and calling on all States with non-strategic nuclear weapons to include them in their general arms control and disarmament processes, with a view to their reduction and elimination;
- recognizing application of the principle of irreversibility to guide all measures in the field of nuclear disarmament and arms control, as a contribution to the maintenance and reinforcement of international peace, security and stability, taking these conditions into account;
- recognizing the importance, from the point of view of nuclear disarmament, of the programmes for the destruction and elimination of nuclear weapons and the elimination of fissile material as defined under the G8 World Partnership;
- pursuing efforts to secure transparency, as a voluntary confidence-building measure to support further progress in disarmament;
- since the Comprehensive Nuclear-Test-Ban Treaty (CTBT) forms an essential part of the nuclear disarmament and non-proliferation regime and with a view to its entry into force as soon as possible, without conditions, calling on States, particularly those listed in Annex II, to sign and ratify the said Treaty without delay and without conditions and, pending the entry into force of the said Treaty, calling on all States to abide by a moratorium and to refrain from any action contrary to the obligations and provisions of the said Treaty. Highlighting the importance of the work of the CTBT Organization Preparatory Commission and actively supporting the work of the Special

Representative of the States which have ratified the Treaty charged with promoting universal accession to the Treaty;

- appealing again to the Conference on Disarmament for the immediate commencement and early conclusion of a non-discriminatory, universally applicable Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, without preconditions, and bearing in mind the special coordinator's report and the mandate included therein and, pending entry into force of the said Treaty, calling on all States to declare and uphold a moratorium on the production of fissile material for nuclear weapons or other nuclear explosive devices. The EU welcomes the action of those of the five nuclear-weapon States which have decreed the relevant moratorium;
- calling on all States concerned to take appropriate practical measures in order to reduce the risk of accidental nuclear war;
- pursuing consideration of the issue of security assurances to the non-nuclear-weapon States Parties to the NPT;
- calling on nuclear-weapon States to reaffirm existing security assurances noted by the United Nations Security Council in resolution 984 (1995) and to sign and ratify the relevant protocols on nuclear-weapon-free zones, drawn up following the requisite consultations, recognizing that Treaty-based security assurances are available to such zones;
- stressing the need for general disarmament;
- highlighting the importance of universal accession and implementation of the Biological and Toxin Weapons Convention (BTWC), the Chemical Weapons Convention (CWC) and the conventions, measures and initiatives contributing to conventional arms control;
- calling for universal accession to and effective implementation of the Hague Code of Conduct against Ballistic Missile Proliferation;
- working for the resolution of the problems of regional instability and insecurity and of the conflict situations which are often at the root of armament programmes.

29. In conclusion, the EU is convinced that, by affording all States a framework of security and safety, the NPT decisively furthers the cause of peace. If this security framework is to survive in the coming decades, all States Parties to the Treaty must comply with their obligations.

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2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Working paper based on the European Union Statement for Main Committee II

Submitted by Luxembourg on behalf of the European Union, the acceding countries Bulgaria and Romania, the candidate countries Croatia and Turkey, the countries of the Stabilization and Association Process and potential candidates Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, and Serbia and Montenegro, as well as Norway, member of the European Economic Area

1. Given that the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is the cornerstone of the global nuclear non-proliferation regime, the essential foundation for nuclear disarmament under Article VI of the NPT and an important element in the further development of nuclear energy applications for peaceful purposes, the European Union makes every effort to maintain the authority and integrity of the NPT. The NPT is an irreplaceable multilateral instrument to the maintenance and reinforcement of international peace, security and stability.

2. In this statement, the EU will address the issues of non-proliferation, safeguards, protection against nuclear terrorism, and other related issues such as export controls, illicit trafficking, the physical protection of nuclear installations and nuclear-weapon-free zones.

3. To strengthen the implementation of the NPT, in December 2003 our Heads of State and Government adopted the EU Strategy against the Proliferation of Weapons of Mass Destruction. The EU attaches great importance to achieving universality of the NPT and its universal application, in accordance with the Common Position adopted in November 2003 by the EU Council on the universalization and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and their means of delivery. Our conviction, integral to this Strategy, is that a multilateral approach to international security, including disarmament and non-proliferation, is the best way to maintain peace and stability. The EU reaffirms its support for the decisions and resolution adopted by the 1995 NPT Review and Extension Conference and for the final document of the 2000 NPT Review Conference and bearing in mind the current situation.

Safeguards

4. The aim of international safeguards is to detect and therefore to deter the diversion of nuclear materials for use in nuclear weapons, and, particularly with the provisions of the Additional Protocol, to increase confidence in the absence of non-declared nuclear activities. As a result, safeguards are a technical tool in support of the political goal of sustaining an environment in which nuclear energy may be used for peaceful purposes, complying with Articles I, II and III of the Treaty.

5. In the past, some non-nuclear weapon States, which had a Comprehensive Safeguards Agreement in force with the International Atomic Energy Agency (IAEA) still managed to develop a clandestine nuclear weapons programme, which inspections under the Comprehensive Safeguards Agreements were not able to detect.

6. When the clandestine nuclear programme for military purposes in Iraq was discovered at the end of the 1991 Gulf War and it revealed the limits of the IAEA's activities in a country which only had a Comprehensive Safeguards Agreement, the international community took the initiative to draw up a new legally binding instrument to strengthen the safeguards system, which led to the adoption in 1997 of the model Additional Protocol.

7. Past experience has shown the limitations inherent in the Comprehensive Safeguards Agreements in force; such agreements do not provide the IAEA with the necessary means to detect undeclared nuclear activities and related material.

8. It is a fact that the IAEA can only give credible assurances of the absence of undeclared nuclear activities in a country if that country has an Additional Protocol in force.

9. The safeguards obligations for non-nuclear weapon States enshrined in Article III of the NPT have the aim of providing the international community with an assurance that non-nuclear weapon States Parties are not manufacturing nuclear weapons or other nuclear explosive devices.

10. Eight years after the adoption of the model Additional Protocol, and despite the agreement reached at the 2000 Review Conference that Additional Protocols should be implemented by all States Parties to the NPT, an Additional Protocol has not been brought into force by 106 States. This constitutes an important non-proliferation deficit.

11. This unsatisfactory situation risks leading States Parties to show reluctance to engage in increased peaceful nuclear cooperation for the benefit of economic and social development.

12. Given the agreement reached in 2000 on the need for all States Parties to bring an Additional Protocol into force, and stressing the fact that at the last three sessions of the Preparatory Committee, nearly all States have declared themselves to be in favour of Additional Protocols, the European Union considers that Comprehensive Safeguards Agreements together with Additional Protocols constitute the current IAEA verification standard. A recommendation to this effect by the current Review Conference would greatly increase the confidence necessary for enhanced international cooperation in the peaceful uses of nuclear energy, since such a

recommendation would give a decisive impetus to making the Additional Protocols universal.

13. Making the Additional Protocols universal would strengthen the international non-proliferation and disarmament regime and would contribute to the security of all States. The EU supports the recommendations in the report by the United Nations High-Level Panel on Threats, Challenges and Change, namely that the International Atomic Energy Agency (IAEA) Board of Governors should recognize IAEA Comprehensive Safeguards Agreements and their Additional Protocols as today's IAEA safeguards standards.

14. The European Union regrets that 43 States Parties which do not have Comprehensive Safeguards Agreements with the IAEA still have to fulfil their obligations under the NPT. The Agency is unable to give assurances for those States. Every country should fulfil its obligations and contribute to the reinforcement of the international non-proliferation regime. The EU therefore asks the IAEA to circulate a list of these countries at this Conference, indicating the date on which their Safeguards Agreement should have come into force, and urges those 43 States to conclude such agreements, including an Additional Protocol, without further delay.

15. Given its concern that the IAEA should in future have a strengthened and cost-effective safeguards system, the EU welcomes the adoption in July 2003 of a financial package for 2004 to 2007 which provides for an increase in the safeguards budget.

Compliance with non-proliferation obligations

16. Some non-nuclear weapon States have not complied with their non-proliferation obligations under the Treaty and under their Comprehensive Safeguards Agreements with the IAEA.

Democratic People's Republic of Korea

17. The EU strongly condemns the DPRK's announcement of 10 February that it has produced and now possesses nuclear weapons, and strongly urges the DPRK to completely dismantle any nuclear weapons programme in a prompt, transparent, verifiable and irreversible manner.

18. The European Union deplores the announcement by the Democratic People's Republic of Korea in January 2003 that it intended to withdraw from the NPT. We continue to urge North Korea to return to full compliance with it's international non-proliferation obligations under the Treaty and its Safeguards Agreement with the IAEA. Any clandestine nuclear weapons programme must be completely, verifiably and irreversibly dismantled. The EU states its firm resolve to contribute to the search for a peaceful and negotiated settlement to the North Korean nuclear issue; it hopes that dialogue on this subject in the framework of the Six Party Talks will resume without delay. The announcement by North Korea of its intention to withdraw from the Treaty was an unprecedented challenge, which led to debate on the implementation of Article X of the Treaty, echoed by the United Nations High-Level Panel and by the Director General of the IAEA. The EU believes that the Review Conference should look seriously at this question of withdrawal. It will make concrete proposals during the Conference.

Iran

19. The European Union is united in its determination not to allow Iran to acquire military nuclear capabilities, and to see the proliferation implications of its nuclear programme resolved. It fully supports the negotiations currently under way between France, the United Kingdom and Germany, with the full participation of the Secretary-General of the Council, High Representative for the CFSP, and of Iran, on the basis of the Paris Agreement of 15 November 2004. The European Union notes that Iran has signed the Additional Protocol and has made a commitment to engage in a relationship of full cooperation and transparency with the IAEA, particularly to resolve outstanding issues. The European Union also welcomes Iran's commitment to suspend all enrichment related and reprocessing activities under IAEA supervision. The European Union calls on Iran to comply with all its international commitments fully and in good faith, and to provide the international community with objective guarantees that its nuclear programme is for exclusively peaceful purposes, by ceasing to develop and operate fissile material production capabilities. It is for Iran to re-establish trust. The European Union calls on Iran to strictly respect the provisions of the Paris Agreement of 15 November 2004 and the relevant resolutions of the IAEA Board of Governors, in particular with regard to the suspension of all enrichment related and reprocessing activities, as foreseen by the Paris Agreement.

Libya

20. On 19 December 2003, Libya announced its decision to eliminate all material, equipment and programmes leading to the production of Weapons of Mass Destruction and ballistic delivery systems. All States warmly welcome the fact that Libya brought its nuclear programme to the attention of the IAEA and that it is cooperating with the Agency, and welcome Libya's ratification of the Comprehensive Test Ban Treaty and its signature and decision to implement an Additional Protocol with the IAEA. The dismantling of Libya's Weapons of Mass Destruction Programme is recognized by the international community as a very positive precedent.

21. The EU calls for nuclear cooperation to be suspended where the IAEA is not able to provide adequate assurances that a State's nuclear programme is designed exclusively for peaceful purposes, until such time as the Agency is able to provide such assurances. In this context, the role of the United Nations Security Council as final arbiter should be reinforced, so that it can take appropriate actions in the event of non-compliance with obligations under the NPT, in accordance with the Statute of the IAEA, including the application of safeguards.

Illicit trafficking

22. We note the conclusion of the Director General of the IAEA that the uranium enrichment programmes of Iran and Libya share common elements and that the basic technology is very similar and was largely obtained from the same foreign sources. This is a matter of serious concern. We therefore fully endorse his call for full cooperation from all States in identifying the supply routes and sources of the technology and related equipment and nuclear and non-nuclear materials.

23. The illicit trade in nuclear equipment and technology is a matter of serious concern for the European Union and indeed all States Parties to the NPT. The Union

attaches great importance to strong national and internationally coordinated export controls, which we see as a necessary complement to our non-proliferation obligations under the NPT. Recent revelations have demonstrated the need for us to reinforce our efforts to tackle illicit trafficking and procurement networks and to address the issue of involvement of non-State actors in the proliferation of WMD manufacturing technology. In this context, we welcome the efforts made to dismantle such networks in Pakistan, Malaysia, South Africa, the United Arab Emirates and other countries; such efforts must continue.

24. The uncovering of the procurement network established by Dr. Khan shows that the proliferation of sensitive technology is no longer the sole preserve of States, and that financial gain is a powerful incentive.

25. The European Union therefore welcomes the adoption on 28 April 2004 of the first Security Council resolution on the proliferation of weapons of mass destruction. resolution 1540 stresses the international community's determination urgently to confront a real threat, namely the fact that such arms or materials could fall into the hands of terrorists or other non-State actors. The resolution requires all States to adopt national legislation criminalizing attempts to obtain or traffic in weapons of mass destruction, and to establish controls to thwart such activities. resolution 1540 explicitly states that none of these obligations contradicts the rights or obligations of member States by virtue of the NPT.

Export controls

26. United Nations Security Council resolution 1540, which has a binding character for United Nations Member States, obliges them to establish, develop, review and maintain appropriate and effective national export, transhipment, transit and re-export controls. Appropriate laws and regulations are to be established to this end.

27. In view of the enhanced proliferation threat, the EU considers it necessary for exporting States, as well as for importing States, to assume their responsibilities and take measures to ensure that exports of nuclear materials, equipment and technologies and related dual-use items are subject to appropriate surveillance and control. Export controls ensure that transfers take place for peaceful purposes as required by the NPT, facilitating also cooperation and technological development. The EU will work towards strengthening the effectiveness of export controls, preventing any uncontrolled dissemination of sensitive technologies, in particular by non-State actors, and defining adequate consequences for situations of non-compliance. We will however pay great attention to compliance with the core principles of the Treaty and, in particular, to the development of and cooperation on peaceful uses of nuclear energy. The EU will act in a way that saves the vast majority of countries, which respect their commitments, from the consequences of non-compliance by the few which do not. We will avoid creating dividing lines among the international community. The EU will therefore focus on strengthening export control policies and practices, within the EU and beyond, in coordination with its partners.

28. Coordination of national export control policies contributes significantly to the non-proliferation objectives of the NPT. In this regard, the work of the Zangger Committee was highlighted and welcomed by previous Review Conferences. At previous Preparatory Committees, States Parties to the NPT were urged to base their

export control policies on the Committee's technical interpretations of the obligations under Article III.2 as published in IAEA document INFCIRC/209 as amended.

29. The Member States of the EU also play an active role in the Nuclear Suppliers Group (NSG). We consider that the work of this group makes an important contribution to the non-proliferation of nuclear weapons. The EU abides by the NSG's requirement that transfers of trigger list items only be made to States which have in place a Comprehensive Safeguards Agreement with the IAEA. The EU member States are also working towards making the Additional Protocol a condition of supply for nuclear exports.

30. Work is also under way in the NSG to amend its Guidelines, particularly on additional criteria concerning the supply of enrichment and reprocessing technology, and on an immediate suspension of the supply of nuclear materials, equipment and technology to those in breach of their safeguards obligations.

31. We believe it would be most appropriate for this Review Conference to welcome and recognize the work of the NSG in pursuance of the NPT's non-proliferation goals and which meet the requirements of United Nations Security Council resolution 1540.

32. The EU proposes that all States Parties to the NPT follow the understandings of the Zangger Committee and the guidelines of the NSG when considering exports of nuclear materials, equipment and technologies. The EU supports every effort to ensure maximum transparency in all nuclear-related exports.

33. The EU calls on the States not party to the NPT to pledge a commitment to non-proliferation and disarmament, and once again calls on those States to become States Parties to the NPT as non-nuclear weapon States.

Safe and secure management of surplus nuclear weapons material

34. The Trilateral Initiative between the United States, Russia and the IAEA has not yet been implemented. The EU considers that a new momentum should be given to those negotiations.

35. The EU proposes that as soon as possible all nuclear-weapon States place fissile material no longer required for military purposes under IAEA or other international verification arrangements. France and the UK have already fulfilled this requirement.

Nuclear security

36. The EU continues to attribute great importance to the fight against terrorism, the continuing urgency and importance of which has been underlined by the tragic events of recent years. The EU strongly supports all measures that are aimed at preventing terrorists from acquiring nuclear, biological, chemical and radiological weapons and their means of delivery. We therefore supported and welcomed the inclusion of an anti-terrorist clause in each of the export control regimes. We also welcome efforts in other forums such as the G-8 to prevent terrorists or those that harbour them from acquiring or developing weapons of mass destruction, missiles and related equipment and technology. We call upon all States to take effective

measures to address the problem of diversion of and trafficking in WMD materials, and of the participation of non-State actors in proliferation of WMD.

37. The EU welcomes and appreciates the activities of the IAEA aimed at preventing nuclear terrorism. The IAEA had begun work on this area before the events of 11 September 2001 and has continued with its good work. We recall in this regard the March 2003 Conference on Security of Radioactive Sources held in Vienna by the IAEA, the United States and Russia, and the Conference to be held in Bordeaux in June 2005 on safety and security of radioactive sources. We welcome and support the recommendations made in Vienna.

38. In the nuclear security field, the EU stresses the importance of the recent Conference organized by the IAEA in London in March 2005.

39. The EU welcomes the adoption in 2003 of the Code of Conduct on the safety and the security of radioactive sources by the IAEA member States. The EU member States have informed the Director General in writing that they fully support the Code to make a political commitment to work towards following the guidance contained in the Code. The EU urges all countries to inform the IAEA Director General of their political commitments to support the Code. The EU supports also the internationally harmonized guidance for the import and export of radioactive sources in accordance with the Code of Conduct. The EU welcomes the wide support received by the world initiative to reduce the nuclear threat. The EU underlines the adoption of the European directive 2003/122 of 22 December 2003 on the control of highly radioactive sealed sources and orphan sources.

40. Also, effective physical protection of nuclear material, both civil and military, is of paramount importance. In the civil area, we welcome the fact that the number of States Parties to the Convention on the Physical Protection of Nuclear Material stands at 111. We call upon States that have not yet done so to accede to the Convention. The EU welcomes the well-defined draft amendment of the Convention worked out by a Technical and Legal Drafting Group, convened by the Director General of the IAEA, with the aim of extending the scope of the Convention to the physical protection of nuclear installations, and domestic use, storage and transport of nuclear material. The EU supports the initiative launched by Austria and by a number of other States Parties to the Convention to invite the Director General of the IAEA to convene a Diplomatic Conference in accordance with Article 20 of the Convention with a view to adopting the draft amendment to it. The Director General of the IAEA has just convened a Diplomatic Conference from 4 to 8 July 2005, to examine and adopt this draft amendment to the Convention. The EU urges all Parties to the Convention on the Physical Protection of Nuclear Material to participate in the Diplomatic Conference from 4 to 8 July so that the quorum of two thirds of the 111 Parties is achieved, to enable amendments to be adopted. The EU calls on all States which are members of the IAEA and have not yet signed and ratified the CPPNM Convention to do so in its amended version.

41. The EU has been supporting the Proliferation Security Initiative (PSI) since its launch in May 2003, in order to drive the initiative forward. The PSI has established itself as an important instrument providing an effective response to some of the major security challenges of the 21st century. It has succeeded in raising worldwide awareness of the threat posed by trafficking in WMD, their delivery systems and related materials, and in establishing the international cooperation that is required to stop WMD-related distribution and proliferation networks.

42. The EU welcomes the United Nations General Assembly's unanimous adoption of the Convention for the Suppression of Acts of Nuclear Terrorism. It hopes that all States will sign and ratify the Convention as soon as possible.

43. The responsibility for the security and safety of nuclear materials and high-level radioactive sources lies with the State. The EU encourages all States which have nuclear facilities and high-level radioactive sources on their territory to take all protection measures commensurate with the security risks.

44. The IAEA also plays a vital role in this area, particularly through its Nuclear Security Fund, which can make a major contribution to fighting the global threat of terrorism. We welcome the donations which have been made, whether financial or in kind, and we urge all Member States to provide support for the Agency's programme of activities, thereby ensuring its long-term viability.

45. The EU remains committed to implementation of the resolution on the Middle East adopted by the 1995 NPT Review and Extension Conference. We call upon all States in the region that have not yet done so to accede to the biological and chemical weapons Conventions and to the NPT. The EU calls upon the States of the region to undertake to establish a zone free from weapons of mass destruction and the means for their delivery as referred to in United Nations Security Council resolution 687 with an effective verification system. In view of recent revelations it is essential that, in pursuing this goal, the States of the region strictly abide by the commitments they have entered into. We believe that the conclusion by all States in the region of Comprehensive Safeguards Agreements with the IAEA and Additional Protocols should be a priority for the international community as a whole and would represent a crucial contribution to an overall improvement in security and confidence in the Middle East.

The EU's bilateral non-proliferation cooperation

46. In accordance with the EU Strategy against Proliferation of Weapons of Mass Destruction, adopted by our Heads of State or Government in December 2003, the EU has taken a series of measures to foster cooperation on non-proliferation, including:

- helping third countries to implement effective export controls, and cooperating with them to that end, in accordance with United Nations Security Council resolution 1540;
- helping third countries to reinforce nuclear security;
- contributing to global disarmament and the elimination of WMD;
- helping to improve the nuclear materials accountancy and export control systems of the States concerned;
- organizing workshops and seminars on non-proliferation, universalization and multilateralism.

Nuclear-Weapon-Free Zones

47. The European Union is aware of the importance of Nuclear-Weapon-Free Zones, established on the basis of arrangements freely arrived at among the States of the region concerned. They consolidate international and regional peace and

security. We welcome and support that Nuclear-Weapon States have signed and ratified the relevant protocols on Nuclear-Weapon-Free Zones, following completion of the necessary consultations.

48. The EU would like to see the conclusion of the Protocol to the Treaty of Bangkok which establishes the South East Asia NWFZ. The EU hopes that the outstanding issues can be addressed and resolved quickly.

49. The EU also supports the progress made by the Central Asian States to create a Nuclear-Weapon-Free Zone in their region. The EU hopes that outstanding questions can be resolved, in keeping with the principles and guidelines in the 30 April 1999 report from the United Nations Disarmament Commission.

50. The EU appeals to the States Parties to the Treaty of Pelindaba which have yet to ratify the Treaty in order to bring it into force, to do so without delay.

51. In order to help reach a consensus at our Review Conference, the Council of the European Union has adopted a Common Position on the 2005 NPT Review Conference. The EU Council identified a number of issues which we consider fundamental, covering the NPT's three pillars non-proliferation, disarmament and use of nuclear energy for peaceful purposes. Where these issues concern non-proliferation, they have been included in the written version of my declaration, but I shall not list them orally:

- recognizing that serious nuclear proliferation events have occurred since the end of the 2000 Review Conference;
- stressing the need to strengthen the role of the United Nations Security Council, as final arbiter, in order that it can take appropriate action in the event of non-compliance with NPT obligations, in keeping with the Statute of the International Atomic Energy Agency (IAEA), including the application of safeguards;
- drawing attention to the potential implications for international peace and security of withdrawal from the NPT. Urging the adoption of measures to discourage withdrawal from the said Treaty;
- calling for nuclear cooperation to be suspended where the IAEA is not able to provide adequate assurances that a State's nuclear programme is designed exclusively for peaceful purposes, until such time as the Agency is able to provide such assurances;
- calling on all States in the region to make the Middle East into an effectively verifiable zone free of nuclear weapons and other weapons of mass destruction and their delivery systems, in keeping with the resolution on the Middle East adopted at the 1995 Review and Extension Conference;
- since security in Europe is linked to security in the Mediterranean, giving top priority to implementation of the nuclear non-proliferation regime in that region;
- acknowledging the importance of nuclear-weapon-free zones for peace and security, on the basis of arrangements freely entered into between the States of the region concerned;
- stressing the need to do everything possible to prevent the risk of nuclear terrorism, linked to possible terrorist access to nuclear weapons or materials that could be used in the manufacture of radiological dispersal devices and, in

this context, stressing the need for compliance with obligations under Security Council resolution 1540 (2004). Calling for tighter security for high-activity radioactive sources. Supporting G-8 and IAEA action in this regard;

- recognizing that, in the light of the increased threat of nuclear proliferation and terrorism, the Proliferation Security Initiative, the Global Threat Reduction Initiative and the G-8 Global Partnership Initiative should be approved;
- calling for universal accession to the Comprehensive Safeguards Agreements and Additional Protocols;
- recognizing that Comprehensive Safeguards Agreements and Additional Protocols have a deterrent effect on nuclear proliferation and form today's verification standard, and continuing to work for increased detectability of any violations of Treaty obligations;
- working for recognition by the IAEA Board of Governors that the conclusion of a Comprehensive Safeguards Agreement and an Additional Protocol is today's verification standard;
- highlighting the IAEA's unique role in verifying States' compliance with their nuclear non-proliferation commitments and helping them, on request, to tighten up the security of nuclear materials and installations, and calling on States to support the Agency;
- recognizing the importance of appropriate effective export controls, in compliance with Security Council resolution 1540 (2004) and in accordance with Article III.2 of the NPT;
- implementing, at national level, effective export, transit, transshipment and re-export controls, including appropriate laws and regulations for that purpose;
- enacting effective criminal sanctions to deter illegal export, transit, brokering, trafficking and related financing, in compliance with United Nations Security Council resolution 1540 (2004);
- urging the Zangger Committee and the Nuclear Suppliers Group to share their experience on export controls, so that all States can draw on the arrangements of the Zangger Committee and the Nuclear Suppliers Group (NSG) guidelines;
- pointing up the need to strengthen the (NSG) Guidelines at an early date, to adapt them to new non-proliferation challenges;
- calling on the States Parties to the Convention on the Physical Protection of Nuclear Material to work for rapid conclusion of an amended Convention.

Conclusion

52. The EU and its member States will cooperate constructively with all States Parties at this Review Conference with the aim of making progress in nuclear non-proliferation, in keeping with the NPT and in the light of the outcome of previous Review Conferences and recent developments, as well as discussions in the Preparatory Committee for this present Conference.

NPT/CONF.2005/WP.45

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

18 May 2005
English
Original: English and French

New York, 2-27 May 2005

Working paper based on the European Union Statement for Main Committee III

Submitted by Luxembourg on behalf of the European Union, the candidate countries Bulgaria, Romania, Turkey and Croatia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, and Serbia and Montenegro

Article IV

1. Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) enshrines in strong terms the inalienable right of all States Parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II as well as Article III of the Treaty. To take advantage of the possibilities that exist in this area, the States Parties are called on to cooperate. It should be stated unequivocally in this context that any possibility of improper use of civilian nuclear programmes for nuclear military purposes must be effectively excluded.

2. All the NPT review conferences, and in particular those held in 1995 and 2000, have explicitly emphasized the link between peaceful nuclear activities and related cooperation and the non-proliferation obligations that arise from the Treaty.

3. The European Union recalls the conditions laid down by the NPT for the exercise of the right to nuclear energy which is opened up by Article IV: the observance of non-proliferation commitments, the implementation of IAEA safeguards and the pursuit, in accordance with the good-faith principle, of peaceful purposes.

4. The European Union is strongly committed to the objectives of Article IV. Through multilateral and bilateral programmes it encourages the many peaceful and beneficial applications of nuclear technology. One of the most important instruments for the purposes of peaceful nuclear development is the Technical Cooperation programme of the International Atomic Energy Agency (IAEA), which the Union fully supports, especially as regards the needs of the States Parties in terms of development and the benefits they receive from the programme.

IAEA Technical cooperation

5. According to paragraph 19 of the Decision on principles and objectives adopted in 1995, every effort should be made to ensure that the IAEA has the financial and human resources necessary in order to meet effectively its responsibilities in the areas of technical cooperation. The 25 Member States of the EU collectively make an important contribution to the Agency's budget and provide a significant proportion of the voluntary contributions to its Technical Cooperation Fund.

6. The EU works closely with the IAEA Secretariat and the other States Parties in implementing a programme on established and emerging nuclear techniques, such as the "sterile insect technique" in Africa, Latin America and the Mediterranean region, and landmine detection techniques, which we hope will contribute to play a part in our efforts to eradicate this evil in mine-affected post-conflict areas. We also support the research being done into the possibility of using the sterile-insect technique to eradicate paludism and malaria, as well as research into the use of nuclear techniques against infectious diseases, such as tuberculosis and HIV/AIDS, with the aim of improving health, food security and economic development in many regions of the world.

7. The EU encourages the IAEA to continue its efforts by applying the methodology described below to resolve the problems that exist in the various priority areas of cooperation:

(a) model projects based on demand and needs;

(b) national programming frameworks for the process of selecting projects, including a financial contribution in accordance with IAEA rules;

(c) thematic planning to ensure a decisive impact on human health, agricultural development, industrial applications, radiological protection, self-sufficiency and sustainability;

(d) the adoption of projects that meet the central criterion of the IAEA Strategy.

8. The EU welcomes the increasing importance that the IAEA programmes attach to assisting beneficiary countries to improve the safety of their nuclear facilities, including during the decommissioning phase, as well the safety and security of their nuclear materials and radioactive waste.

9. The EU urges the IAEA to launch education and training programmes that will contribute to the updating of nuclear knowledge so as to meet the needs of both developing and developed countries.

10. The EU is closely following the development of innovative projects in the field of reactors and nuclear fuel cycles, which could lead in particular to the establishment of new approaches to the fundamental issues, namely safety, non-proliferation and the minimization of radioactive waste. The Union approves the IAEA's role in helping Member States, at their request, to draw up projects, whether in the field of using nuclear energy to produce electricity or in the application of nuclear energy in the fields of health, industry, agriculture and research.

11. The EU welcomes the work currently being done by the IAEA and its Member States to improve the safety and security of radioactive sources, including the Code

of Conduct on the Safety and Security of Radioactive Sources, which was finalized in July 2003 and approved by the IAEA General Conference in September 2003. The EU Member States have informed the IAEA Director General in writing of their political commitment to follow the guidelines contained in it. The EU calls on all countries to communicate to the Director General their political commitment to comply with the Code.

12. The EU welcomes the internationally harmonized guidelines on the import and export of radioactive sources, which are in line with the requirements set out in the Code of Conduct on the Safety and Security of Radioactive Sources.

13. The EU welcomes the well-defined draft amendment to the Convention on the Physical Protection of Nuclear Material which has been prepared by a group of technical and legal experts, at the request of the IAEA Director General, with a view to extending the Convention's scope to include physical protection of nuclear facilities, and the domestic use, storage and transport of nuclear material. The EU supports the initiative launched by Austria and by a number of other States Parties to the Convention to invite the Director General of the IAEA to convene a Diplomatic Conference in accordance with Article 20 of the Convention with a view to adopting the draft amendment. The Director General of the IAEA has just convened a Diplomatic Conference from 4 to 8 July 2005, to examine and adopt this draft amendment to the Convention. The EU urges all Parties to the Convention on the Physical Protection of Nuclear Material to participate in the Diplomatic Conference from 4 to 8 July so that the quorum of two thirds of the 111 Parties is achieved, to enable amendments to be adopted. The EU calls on all States which are members of the IAEA and have not yet signed and ratified the CPPNM Convention to do so in its amended version.

14. The European Union stresses the importance of the Convention on Nuclear Safety and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, and also their peer-review mechanisms. The Union calls on all States Parties that have not yet done so to accede to these Conventions and to apply their resulting obligations in full.

15. States Parties that have not yet done so are invited either to accede to the Vienna Conventions or Paris and Brussels Conventions on civil nuclear liability or to introduce national legislation on civil nuclear liability.

16. Regarding the transport of radioactive material, the EU emphasizes the usefulness of the IAEA's TranSAS service as a way of helping to promote the strict application of regulations in this field. The EU encourages States to make use of this service.

17. The EU is pleased to note the approval of the IAEA's Code of Conduct on the Safety of Research Reactors.

The EU's bilateral cooperation

18. In accordance with the European Union's Strategy against the Proliferation of Weapons of Mass Destruction, decided by our Heads of State and Government in December 2003, the European Union has taken a series of cooperation measures. Here I will only enumerate the ones that are related to the peaceful applications of nuclear energy:

- a Joint Action with the Russian Federation for the conversion of surplus nuclear weapons material into nuclear fuel for civilian use;
- assistance to third countries for the enhancement of the security and safety of their nuclear facilities and the protection of highly radioactive sources;
- assistance to third countries in combating illicit trafficking in nuclear and radioactive materials;
- assistance to third countries to enhance their export controls;
- a Joint Action in support of IAEA activities;
- nuclear safety and security assistance for States of the former Soviet Union on the basis of the TACIS programme;
- nuclear safety and security assistance for EU Candidate States on the basis of the PHARE programme.

19. Conscious of its obligations under Article IV of the Treaty, the EU is engaged in many technical cooperation programmes, which contribute to the peaceful uses of nuclear energy by all States Parties to the Treaty and in particular to the requirements of developing countries.

20. To help achieve a consensus during our Review Conference, the Council of the European Union has adopted a Common Position relating to the 2005 NPT Review Conference. In its Common Position, the Council identified a number of points which seem to us to be fundamental and which cover the three pillars of the NPT non-proliferation, disarmament and the peaceful use of nuclear energy. Insofar as these points relate to peaceful use, they are included in the printed version of my statement, but I shall not enumerate them orally:

- recognizing the right of States Parties to the NPT to nuclear energy for peaceful purposes, in accordance with Article IV thereof, with due regard for Articles I, II and III of the Treaty;
- underlining the importance of continuing international cooperation in order to strengthen nuclear safety, safe waste management and radiological protection and calling upon States that have not yet done so to accede to all the relevant conventions as soon as possible and to implement fully the ensuing commitments;
- noting that the States Parties to the NPT, may, pursuant to Article IV thereof, have resort to peaceful uses of nuclear energy, inter alia in the area of production of electricity, industry, health and agriculture;
- urging the formulation of guarantees of access to nuclear fuel services, or to fuel itself, subject to appropriate conditions;
- noting the report of the IAEA's expert group on multinational approaches to the nuclear fuel cycle and promoting an early start to its scrutiny by the IAEA.

21. In conformity with their international non-proliferation obligations, States Parties to the NPT should subordinate their nuclear cooperation to observance by the recipient States of their international obligations, and in particular by the following criteria:

(a) the recipient country should have in force a Comprehensive Safeguards Agreement with the IAEA;

(b) the authorities of the recipient country should apply effective controls on re-export;

(c) an effective and appropriate level of physical protection should be in place, in conformity with the Convention on the Physical Protection of Nuclear Material and the forthcoming amendments to it and is inspired by the recommendations of the IAEA in this area.

22. Nuclear enrichment and reprocessing technologies are once again the subject of particular attention from the international community because of their dual-use nature (civilian and military). The EU believes it is important to encourage access guarantees to nuclear-fuel-related services or to the fuel itself, under appropriate conditions. In this connection, the EU notes the report of the IAEA experts group on multilateral approaches to the nuclear fuel cycle and the need to start discussing it in the IAEA as soon as possible.

23. The EU reiterates the importance it attaches to the universalization of additional protocols and considers that adherence to such protocols should be considered by all States Parties as the essential means of demonstrating that they are fulfilling their non-proliferation obligations under the NPT.

24. The EU considers that comprehensive safeguard agreements and additional protocols now constitute the IAEA verification standard. A decision to this effect by the present Review Conference would greatly enhance the confidence necessary for more active international cooperation in the peaceful uses of nuclear energy. Moreover, the EU will work within the IAEA to make the IAEA Board of Governors acknowledge that the conclusion of comprehensive safeguard agreements and additional protocols are the verification standard of today.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

18 May 2005
English
Original: Spanish

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Note verbale dated 10 May 2005 from the Permanent Mission of Mexico to the United Nations addressed to the President of the Conference

The Permanent Mission of Mexico to the United Nations presents its compliments to the President of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and has the honour to refer to the Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones, held in Tlatelolco, Mexico, from 26-28 April 2005.

In this connection, bearing in mind the relevance of the issue of nuclear-weapon-free zones, particularly in the context of Main Committee II, the Permanent Mission of Mexico requests that the following documentation be circulated as a working paper of the Conference:

- Message from the Secretary-General of the United Nations (CZLAN/CONF/3) (English and Spanish) (see annex I)
- Report of the Rapporteur (CZLAN/CONF/4) (Arabic, English, French and Spanish) (see annex II)
- Declaration of the Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones (CZLAN/CONF/5) (Arabic, English, French and Spanish) (see annex III)
- Report of the Civil Society Forum (CZLAN/ONG/2) (English) (see annex IV)

Annex I to the note verbale dated 10 May 2005 from the Permanent Mission of Mexico to the United Nations addressed to the President of the Conference

CZLAN/CONF/3

THE SECRETARY-GENERAL
MESSAGE TO THE CONFERENCE OF STATES PARTIES AND SIGNATORIES OF TREATIES THAT ESTABLISH NUCLEAR-WEAPON-FREE ZONES
Tlatelolco, Mexico, 26-28 April 2005

[Original: English and Spanish]

A functioning system of collective security for the 21st century must have as urgent priorities the prevention of nuclear proliferation, the reduction of nuclear arsenals and advancement towards the goal of the total elimination of nuclear weapons. As I have argued in my recent reform report, "In Larger Freedom," non-proliferation and disarmament are in the interest of all States, and I have called for action to advance both these goals. This timely conference is an opportunity to examine the important contribution that nuclear-weapon-free zones make to these goals, and to explore how we can build upon the impressive record of progress to date.

Through information sharing, and verification and compliance mechanisms, nuclear-weapon-free zones build confidence among participating States that the obligations under the treaties creating such zones are in fact being implemented in good faith. Expanding membership in nuclear-weapon-free zones and facilitating implementation of their obligations will further strengthen the role of these instruments. The support of nuclear-weapon States – particularly through ratification of relevant protocols – is also essential. In that context, I call for renewed efforts to ensure the earliest entry into force of the African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty). It is also important to create new zones, especially in the Middle East and other parts of Asia. I therefore welcome the significant progress made towards a Central Asian Nuclear-Weapon-Free Zone Treaty by the five Central Asian States.

For its part, the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Tlateloco Treaty) is an inspiring landmark in global efforts to promote nuclear disarmament and non-proliferation. On the eve of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, I hope that this meeting in Tlateloco will remind all States not only of the strategic and moral value of nuclear-weapon-free zones, but also of the possibilities for progress on a range of fronts in our quest for a world free of nuclear weapons.

Annex II to the note verbale dated 10 May 2005 from the Permanent Mission of Mexico to the United Nations addressed to the President of the Conference

CZLAN/CONF/4

Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones

Tlatelolco, Mexico, 26 to 28 April 2005

Rapporteur's Report on the Deliberations of the Conference

[Original: Arabic, English, French and Spanish]

The Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones opened its plenary meeting on Wednesday 27 April 2005.

The meeting was opened by the General Secretary of the Conference who, after welcoming the participants, proceeded to submit for its consideration the Agenda (CZLAN/CONF/L.1). Having approved the Agenda, the Conference went on to adopt the Rules of Procedure (CZLAN/CONF.2). The General Secretary reminded the delegates that, in accordance with Rule 3 of the Rules of Procedure, the Bureau of the Conference would be made up of a President, 3 Vice Presidents and a Rapporteur.

In regard to item 4 of the Agenda, election of the members of the Bureau, the Secretariat of the Conference proposed, in keeping with standard practice in international conferences, that the Presidency should be occupied by a Representative of the host State. In this regard, the General Secretary submitted for the consideration of the Conference the election of Ms. Patricia Olamendi, Under Secretary for Multilateral Affairs and Human Rights of the Ministry of Foreign Affairs of Mexico, to preside over the work of the Conference. Likewise, it was proposed that the Vice-Presidencies should be held by the Representatives of Cuba, on behalf of the States Parties to the Treaty of Tlatelolco; New Zealand, for the Treaty of Rarotonga; and Senegal, for the Treaty of Pelindaba, while the post of Rapporteur would be occupied by Indonesia, in representation of the Treaty of Bangkok. The Conference approved these proposals.

Once the Bureau of the Conference had been set up, during the plenary meetings on 27 April, the Conference went on to item 5 of the Agenda, consisting of a general debate on the topic of "the contribution made by Nuclear-Weapon-Free Zones to a genuine regime of non-proliferation of nuclear weapons." Representatives of the following 36 delegations took the floor: Algeria, Argentina, Brazil, Chile, China, Costa Rica, Cuba, Ecuador, Egypt, El Salvador, Fiji, France, Indonesia, Jamaica (representing the Caribbean Community), Japan, Libya, Luxembourg, Kenya, Malaysia, Morocco, Mauritius, Mexico, Mongolia, Myanmar, Nicaragua, Nigeria, New Zealand, Republic of Korea, Senegal, South Africa, Tanzania, Ukraine, Uruguay, Uzbekistan, Venezuela and Vietnam. With the authorization of the Conference, the non-governmental organization *Pugwash International* also took the floor.

In the general debate, the majority of the participating delegations stressed the need to strengthen the global nuclear disarmament and non-proliferation regime, particularly through the observance and effective application of the provisions on the matter contained in the Treaty on the Non-Proliferation of Nuclear Weapons and the Treaties that establish Nuclear-Weapon-Free Zones. The delegations underscored the important contribution made by these treaties to attaining the objective of a nuclear-weapon-free world.

The delegations emphasized the importance that the Conference of States Parties and Signatories to the Treaties that establish Nuclear-Weapon-Free Zones would have for the success of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to be held in New York from 2 to 27 May 2005.

During this plenary meeting, the Delegation of Argentina expressed the following reserve with regard to operative paragraph 29 of the draft Declaration:

> "Although Argentina does not object to a consensus at such time as the Declaration is adopted, it wishes to place on record the inadvisability of addressing issues related to the peaceful use of nuclear energy within OPANAL, since such issues do not form part of the Treaty of Tlatelolco. Specifically, the topic of transportation of nuclear materials should be discussed in the appropriate spheres of competence, that is to say, the International Atomic Energy Agency (IAEA) and the International Maritime Organization (IMO)."

With regard to item 6 of the Agenda, the plenary meeting on Thursday 28 April focused on the topic "Mechanisms to strengthen political co-ordination between Nuclear-Weapon-Free Zones."

The meeting was presided by the Representative of Cuba, Vice-President of the Conference. The General Secretary of the Conference set forth the results of the consultations with each of the Nuclear-Weapon-Free Zones. He pointed out that the purpose of his proposal would be to maintain constant communication between the Zones and to promote possible co-operation agreements such as that currently in effect between the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) and the Pacific Islands Forum. The Delegation of Mexico presented a non-paper designed to aid the deliberations on the topic.

In the exchange of views, 12 delegations took the floor: Algeria, Brazil, Chile, Egypt, El Salvador, Honduras, Indonesia, Lao, Nigeria, Senegal, the African Union and Venezuela. The speakers thanked the General Secretary of the Conference and the Delegation of Mexico for their proposals, and put forward their own proposals for Nuclear-Weapon-Free-Zone co-operation mechanisms. Among other issues, the advisability of establishing focal points for each of the treaties was raised.

The summary made by the President and adopted by the Conference reflected the main points of consensus, as follows:

- Reaffirm the need to strengthen Nuclear-Weapon-Free-Zone co-ordination mechanisms based on their common goals.

- That this first Conference constitutes a landmark in establishing the co-ordination mechanism and the advisability of repeating it was reaffirmed, the most suitable date being 2010, prior to the Eighth Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons.

- That within the purview of the mechanisms established by each of the treaties, those acting as coordinators be invited to their periodic meetings (conferences or general assemblies), in accordance with the mechanism established by those treaties.

- That the mechanism for information exchange between the treaties be reinforced in order to step up the attainment of common goals.

- Bearing in mind the different statements made, continue to study ways to apply the coordination mechanism in line with the progress achieved.

- That in the initial stage, which could last two years, the Tlatelolco Treaty, through OPANAL, should carry out the necessary co-ordination for the implementation of the agreed measures to strengthen the co-ordination mechanisms. That in the future, this responsibility should be rotated among the treaties.

During the same meeting on 28 April, New Zealand formulated the following statement:

> "New Zealand still has difficulties with paragraph 24 of the proposed declaration. We have tried to reach late agreement; that has not been possible. So I wish to make a clarifying statement.

Paragraph 24 paraphrases part of article IV of the NPT.

Therefore, New Zealand understands this paragraph to be reaffirming the inalienable right of all States Parties to the NPT to develop the research, production and utilization of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of the NPT. New Zealand also accepts the reference to the inviolability of nuclear facilities.

Because the reference to States Parties and articles I and II have not been made within paragraph 24, it is possible to read this with different meanings, including a reinterpretation of the NPT bargain.

New Zealand needs to be clear to this meeting that New Zealand reads paragraph 24 as in line with the multilateral declaration of the NPT. That is the only way that we can agree to this declaration. We reject any other interpretation".

Annex III

CZLAN/CONF/5

Declaration of the Conference of Nuclear-Weapon-Free Zones

[Original: Arabic, English, French and Spanish]

On the occasion of the Conference on the Treaty on the Non-Proliferation of Nuclear Weapons, the States parties and signatories to the Treaties of Tlatelolco (1967), Rarotonga (1985), Bangkok (1995), and Pelindaba (1996), which have established nuclear-weapon-free zones, and Mongolia, have met for the purpose of strengthening the nuclear-weapon-free zone regime and contributing to the disarmament and nuclear non-proliferation processes, and in particular to analyze ways of cooperating that can contribute to achieving the universal goal of a nuclear-weapon-free world.

Convinced that the existence of nuclear weapons constitutes a threat to the survival of humanity and that the only real guarantee against their use or threat of use is their total elimination as a way to achieve a nuclear-weapon-free world;

Convinced also of the important contribution made by the disarmament and nuclear non-proliferation regime to maintaining and strengthening international peace and security;

Confirming that Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) establishes the obligation to proceed with and to achieve nuclear disarmament;

Recognizing that the establishment of new nuclear-weapon-free-zones in regions where they do not exist should be concluded in accordance with the provisions of the Final Document of SSOD-I and the principles and guidelines adopted by the UNDC at its 1999 substantive session;

Recognizing also the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories by virtue of Article VII of the NPT, the cornerstone of the international nuclear disarmament and non-proliferation regime;

Bearing in mind that the international community must continue promoting the creation of nuclear-weapon-free zones throughout the world, as an effective means for achieving the objective of the total elimination of nuclear weapons, with the absolute priority of strengthening peace and security both at regional and international levels;

Recognizing multilateralism as the core principle of disarmament negotiations and nuclear non-proliferation efforts aimed at maintaining, strengthening and enlarging the scope of universal nuclear disarmament norms, as well as the complementary nature of irreversible and verifiable unilateral and bilateral measures in this area;

Welcoming the establishment of nuclear-weapon-free-zones created by the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba as a positive step towards achieving the objective of global nuclear disarmament, and the interest expressed by States Parties and signatories to such Treaties in promoting cooperation and consultation mechanisms among themselves, their treaty agencies and other interested States;

1. **We reaffirm** that the continued existence of nuclear weapons constitutes a threat to all humanity and that their use would have catastrophic consequences for life on Earth. Therefore, we believe in the need to move toward the priority objective of nuclear disarmament and to achieve the total elimination and prohibition of nuclear weapons.

2. **We are convinced** that reaching the objective of permanently eliminating and prohibiting nuclear weapons requires firm political will from all States, particularly those States that possess nuclear weapons.

3. **We are also convinced** that the establishment of internationally recognized nuclear-weapon-free zones on the basis of agreements entered into freely among the States of the zone concerned strengthens world and regional peace and security, reinforces the nuclear non-proliferation regime, and contributes to the achievement of nuclear disarmament. The establishment of such zones and the full compliance with those agreements or arrangements ensures that the zones are genuinely free from nuclear weapons, and respect for such zones by Nuclear-Weapon-States, constitute an important nuclear disarmament measure.

4. **We reaffirm** that the NPT constitutes an essential instrument of the nuclear disarmament and non-proliferation regime and therefore reiterate the validity of its set of principles, obligations, and rights, in particular Articles III, IV, VI and VII.

5. **We reaffirm** the importance of achieving the universality of the NPT and urge those States that are not parties thereto to accede to the Treaty without delay or conditions as non-nuclear-weapon States.

6. **We express our deep concern** over the lack of progress to date on the application of nuclear disarmament measures agreed to by all States Parties at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and urge all States to comply immediately with the obligation set forth in Article VI of the NPT to undertake to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control, recalling in particular the unequivocal

undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed.

7. **We express our deep concern** with new strategic security doctrines, which assign a broader role to nuclear weapons, imply intentions to develop new types of nuclear weapons or rationalization for their use, as well as to review agreed principles, in particular, the irreversibility of nuclear disarmament.

8. **We reaffirm** that the use or threat of use of nuclear weapons constitutes a breach of international law and the United Nations Charter, and a crime against humanity, as declared in UN General Assembly Resolutions 1653 (XVI), of 24 November 1961, 33/71 B, of 14 December 1978, 34/83 G, of 11 December 1979, 35/152 D, of 12 December 1980 and 36/92 I, of 9 December 1981.

9. **We strongly support** the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects, under strict and effective international control.

10. **We are convinced** that a continued reduction in non-strategic nuclear weapons constitutes an integral part of the nuclear disarmament process and consider that the fundamental principles of transparency, verification, and irreversibility must be applied to all measures in this area.

11. **We urge** the Nuclear Weapon States to provide effective guarantees to non-nuclear-weapon States that they will not use or threaten to use nuclear weapons against them. In this regard, in addition to the commitments taken on within the framework of UN Security Council Resolution 984 (1995) and the legally binding security assurances set forth in the relevant Protocols to the treaties establishing nuclear-weapon-free zones, we also urge Nuclear Weapon States to continue taking steps toward concluding a universal, unconditional and legally-binding universal treaty on security assurances for non-nuclear-weapon States and that until such treaty exists to respect the commitments assumed regarding security assurances. Priority attention should be given to this matter.

12. **We urge** the Nuclear Weapon States and any other States listed or mentioned in the relevant Protocols to the treaties establishing nuclear-weapon-free zones that have not yet signed or ratified the Protocols to do so as soon as possible.

13. **We also urge** the Nuclear Weapon States that, having signed or ratified some of the relevant Protocols to a treaty establishing a nuclear-weapon-free zone, have done so with reservations or unilateral interpretations that affect the denuclearization status of that zone to modify or withdraw such reservations or unilateral interpretations.

14. **We recognize** that the status of a nuclear-weapon-free-zone should be respected by all State parties to the treaty establishing the zone as well as by States outside the region, including all States whose cooperation and support are essential for the maximum effectiveness of such a

zone, namely, the Nuclear-Weapon-States and, if there are any, States with territory or that are internationally responsible for territories situated within the zone concerned.

15. **We proudly note with satisfaction** that with the entry into force of Treaties of Tlatelolco, Rarotonga and Bangkok, which had established nuclear-weapon-free zones in Latin America and the Caribbean, the South Pacific and Southeast Asia, along with the Antarctic Treaty and the Seabed Treaty, the areas of the world that are nuclear-weapon-free had been expanded.

16. **We similarly welcome** the efforts aimed at concluding the ratification process of the Treaty of Pelindaba, signed on 12 April 1996, which created Africa's nuclear-weapon-free zone, and exhort the States of the region that have not yet done so to ratify the Treaty so it may enter into force. Likewise, we urge the Nuclear Weapon States and other States that are contemplated in its relevant Protocols to sign or ratify said Protocols if they have yet to do so.

17. **We express** our recognition and full support of Mongolia's international nuclear-weapon-free status.

18. **We reiterate** our support for the establishment of a nuclear-weapon-free- zone in the Middle East and, in this regard, we reaffirm the importance of Israel's accession to the NPT and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East.

19. **We also reiterate** our support for the establishment of a nuclear-weapon-free zone in South Asia and urge India and Pakistan to accede to the Non-Proliferation Treaty as non-nuclear-weapon States and to place all their nuclear facilities under comprehensive Agency safeguards. We further urge both States to strengthen their non-proliferation export control measures over technologies, material and equipment that can be used for the production of nuclear weapons and their delivery systems.

20. **We welcome** the Tashkent statement of representatives of the five Central Asian States of February 2005, where they reaffirmed their strong commitments to establish a nuclear-weapon-free zone in Central Asia and urged all States, particularly the nuclear-weapon States, to fully cooperate with the five Central Asian States in implementing the Central Asian Nuclear-Weapon-Free Zone Treaty.

21. **We reaffirm our commitment** to reach the common objectives set forth in the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba to promote the nuclear-weapon-free zones; to cooperate in the advancement of ratifications by all states that belong to a nuclear-weapon-free-zone as well as in the implementation of relevant instruments as a contribution to strengthen the NPT regime and achieve nuclear disarmament, including through mechanisms such as joint meetings of the States parties, signatories, and observers of those treaties, and cooperation agreements signed among them in a systematic manner within the framework of the NPT Review Conferences.

22. **We accept** the application of the relevant rules of international law, expressly recognized by States, to the maritime areas covered by the nuclear weapon free zones.

23. **We reiterate** our position for the total elimination of all nuclear testing and stress the significance of achieving universal adherence to the Comprehensive Nuclear Test Ban Treaty, including by all Nuclear Weapon States, which inter alia, should contribute to the process of nuclear disarmament. We highlight the importance of maintaining a moratorium on nuclear-weapon-test-explosions or any other nuclear explosions pending the entry into force of that Treaty. We reiterate that if the objectives of the Treaty were to be fully realized, the continued commitment of all signatories, especially the Nuclear Weapon States, to nuclear disarmament would be essential.

24. **We reaffirm** the inalienable right of all States to develop the research, production, and utilization of nuclear energy for peaceful purposes without discrimination, as well as the inviolability of nuclear facilities. We further reaffirm that the nuclear-weapon-free-zones should not prevent the use of nuclear science and technology for peaceful purposes, as well as the essential character of International Atomic Energy Agency (IAEA) technical cooperation activities in promoting the development of nuclear energy for peaceful purposes and preventing the diversion of atomic energy for military purposes. In this regard, we underscore the important role of the IAEA in verifying that nuclear energy is only used for peaceful purposes[1].

25. **We reaffirm** that the nuclear-weapon-free zone could also promote, if provided for in the treaties establishing such zones, bilateral, regional and international cooperation for the peaceful use of nuclear energy in the zone, in support for socio-economic, scientific and technological development of the State parties. We call upon all States in a position to do so to contribute to the financing of the IAEA technical cooperation activities, as essential in promoting nuclear energy for peaceful purposes, and represent valuable contributions in that regard, particularly in developing countries.

26. **We recognize** the fundamental role of the IAEA in the application and verification of compliance with the international safeguards regime provided for in the NPT and the relevant NWFZ treaties, as well as the efforts of the IAEA to strengthen the effectiveness of the IAEA safeguards system.

27. **We are firmly convinced** that the most effective way to prevent non-State actors from acquiring nuclear weapons is through the total elimination of those weapons, and to this end, we encourage cooperation among and between States and relevant regional and international organizations for strengthening national capacities in this regard.

28. **We express our deep concern** over the potential hazards underlying any use of radioactive wastes that would constitute radiological warfare and its implications for regional and international security, and express the hope that the effective implementation of the IAEA Code

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[1] Please, see Rapporteur's report (CZLAN/CONF/4)

of Practice on the International Transboundary Movement of Radioactive Waste will enhance the protection of all States from the dumping of radioactive wastes in their territories.

29. **We reiterate our deep** concern over the potential serious ecological and security risks of transporting radioactive material and other dangerous waste by sea or other navigable waters and urge all States, particularly those that transport such materials, to strengthen the international legal code as regards security and responsibility measures applicable to this mode of transportation, through the effective application of the commitments adopted within the IAEA, the IMO and other international fora. We also urge all States to exchange information at the government level on the transport of radioactive material and urge States shipping radioactive materials to work with potentially affected States to address their concerns in this regard[2].

30. **We express our conviction** that disarmament and non-proliferation education constitutes an important measure that can contribute to achieving a world free of nuclear weapons threats. We therefore encourage all States to promote programs instilling the values of peace, disarmament, and nuclear non-proliferation in their respective educational and academic spheres and call upon IAEA and donor countries to help in the promotion and implementation of such programs.

31. **We recognize** the importance of multilateralism and in particular the notable role played by the United Nations in the area of nuclear disarmament and nuclear non-proliferation and we reiterate our commitment to adopting measures to strengthen that role.

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[2] Please, see Rapporteur's report (CZLAN/CONF/4)

Annex IV

CZLAN/ONG/2

Report from the Civil Society Forum
A side event at the
Conference of States Parties and Signatories to the Treaties that establish Nuclear-Weapon-Free Zones
organized by the Mayors for Peace
and the Parliamentary Network for Nuclear Disarmament.

Report presented by Alyn Ware
Global Coordinator of the Parliamentary Network for Nuclear Disarmament.

[Original: English]

Mr President, your excellencies, ladies and gentlemen.

I have the honour to present the report from the Civil Society Forum, the side event organized by the Mayors for Peace and the Parliamentary Network for Nuclear Disarmament.

Firstly I would like to thank all the States Parties to the nuclear fee zone treaties for establishing space at this conference for interested sectors of civil society to meet, and I would like to thank the government of Mexico for inviting us to coordinate the event.

The Forum included representation from mayors, parliamentarians, academics, scientists, government officials, media, nuclear survivors and non-governmental organisations from around the world. The breadth of representation is indicative of the strong and growing interest in the wider community about the unacceptable risks from current nuclear stockpiles and policies, and also the common understanding that the establishment, consolidation, strengthening and expansion of nuclear weapon free zones can play an effective role in the prevention of nuclear proliferation and the achievement of a nuclear weapons free world.

The forum served as a sharing of ideas and initiatives from the various civil society sectors relating to nuclear weapons free zones. It did not attempt to arrive at any agreed resolution or declaration. However, there was general agreement that this Conference, in bringing together all the States Parties to Nuclear Weapon Free Zone treaties for the first time, is an historic event that in itself serves to strengthen the global norm against nuclear weapons, especially through the adoption of a common declaration. In addition, this conference can serve as a basis for future meetings of States parties in order to move from common declarations to collaborative action. There was considerable support, for example, for the establishment of a Southern Hemisphere and Adjacent Areas Nuclear Weapons Free Zone. Such a zone should include an appeal to the nuclear weapon States to honour the desires of the region to be totally free from nuclear weapons and thus the NWS should desist from transiting deployed nuclear weapons through the oceans in the zone. The Bangkok-Treaty-prohibition of the threat or use of nuclear weapons from within or into the zone including the exclusive economic ocean zones, was cited as a positive step towards such a southern hemisphere zone free from all nuclear weapons including those on submarines and ships.

The concept of nuclear weapons free zones as steps towards a nuclear weapons free world was a common theme. This included encouragement to States Parties to the zones to actively encourage states in other regions to establish nuclear weapon free zones. One such proposal discussed was for a North East Asia NWFZ. It was noted that Nuclear Weapon Free Zones (NWFZs) provide security benefits in a region beyond just solidifying a ban on nuclear weapons – they also serve as confidence building and peacemaking vehicles. It was hoped by many that the regions covered by nuclear weapon free zones should expand quickly to make the whole world a nuclear weapons free zone, or as one participant suggested, the Adjacent Areas referred to in the proposal for a Southern Hemisphere and Adjacent Areas NWFZ could in fact be the Northern Hemisphere.

There was some consideration of the idea that if the NPT Review Conference and the Conference on Disarmament fail to initiate negotiations leading to the abolition and elimination of nuclear weapons as required under Article VI of the NPT and affirmed as customary law by the International Court of Justice, then the States parties to the NWFZs could initiate deliberations or negotiations on a program or treaty for nuclear disarmament. It was noted that the States parties to NWFZs, having renounced nuclear weapons themselves, have the moral authority to require Nuclear Weapon States (NWS) to develop concrete plans and initiate ongoing steps towards complete nuclear disarmament.

It was recognized that while the strengthening of regional nuclear weapon free zones by treaty amendment is a difficult process, individual States can take domestic action to strengthen the international norm against nuclear weapons by adopting regulations or legislation prohibiting nuclear weapons and instigating criminal responsibility for violations, such as the legislation adopted by New Zealand. It was noted that there is a strengthened mandate, as well as increased opportunities, for States to take such domestic actions as a result of the 1996 International Court of Justice Advisory Opinion affirming the illegality of nuclear weapons threat and use, and United Nations Security Council Resolution 1540 on preventing proliferation of weapons of mass destruction.

Considerable attention was given to the forthcoming NPT Review Conference and what steps should be accomplished through the NPT forum, regardless of whether or not there is universal agreement in May 2005. These included implementation of the disarmament steps agreed in 2000 and the proposal by Malaysia, in their draft NPT working paper released in November 2004, that NPT States Parties give consideration to the legal, technical and political elements required for the establishment and maintenance of a nuclear weapons free world.

Key initiatives from various sectors of civil society were discussed such as the drafting and adoption of parliamentary resolutions in various legislatures including in the NWS, and the success of Mayors for Peace in engaging 1000 mayors in a vision for a nuclear weapons free world by 2020.

A strong focus of the forum, stimulated by the testimonies of survivors from the nuclear bombs detonated at Hiroshima and Nagasaki and the nuclear tests in the Pacific, and also from the mayors, was the environmental and health damage in the past, present and future, by any use or testing of nuclear weapons and also by the production of nuclear weapons and nuclear energy and the resulting radioactive waste. There was reaffirmation of the ICJ conclusion that "the effects of nuclear weapons cannot be contained in time or space" and support for the Declaration of the Rights of Future Generations which was initiated by Jacques Cousteau.

Specific concern was expressed about both the environmental and proliferation risks of plutonium reprocessing and nuclear materials shipments. The requirement of coastal States and others to obtain adequate safety measures, disclosure, liability, security and compensation in relation to such transports was acknowledged in the Small Island Developing States Declaration (SIDS) in Mauritius. However, there was recognition at the Civil Society Forum that such measures do not appear to be – nor possibly could be – adequate to compensate for an accident or disaster. It was urged that a stronger application of the precautionary principle be made, which would therefore proscribe such shipments in accordance with SIDS' goals.

There was a strong feeling amongst the participants that civil society members can provide inspiration, experience, ideas and support in the review and implementation of the goals of the NWFZs, and as such there was hope that civil society representatives could play a more direct role in future meetings of the States parties of NWFZs. [May I add that the granting of the floor to the representative of Pugwash yesterday was a positive precedent in this regard]

In conclusion, may I take this opportunity to express once again the sentiment that this is indeed an historical conference, bringing together 108 States parties to NWFZs, observer States and civil society to establish a new and powerful forum for the delegitimisation and abolition of nuclear weapons. It was noted that the nuclear age began in New Mexico and perhaps the older wiser Mexico {in relation to nuclear weapons at least} will become known as the place where the end of the nuclear age began.

Thank you.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Working paper submitted by the Islamic Republic of Iran for Main Committee I

1. In the course of the negotiations leading to the NPT, a delicate and balanced package of rights and obligations was introduced according to which non-nuclear-weapon States undertake not to acquire nuclear weapons, and to place their facilities under the safeguard agreements. In return nuclear-weapon States undertake not to transfer and develop nuclear weapons and commit themselves to practical steps towards nuclear disarmament. Moreover all States Parties to the Treaty undertake to cooperate and ensure the implementation of the inalienable rights of the States Parties for peaceful use of nuclear energy in a non-selective and non-discriminatory manner.

2. Since 1978, when the final document of the SSODI confirmed nuclear disarmament as the highest priority on disarmament agenda, the international community had to wait for more than two decades to witness a comparable endorsement of its long sought goal in the final document of the 2000 NPT Review Conference. We should not permit the new hopes for revitalization of the issue of nuclear disarmament to fade out again.

3. With the adoption of the 13 practical steps in the 2000 Review Conference, including the "unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament under Article VI of the Treaty", hopes for the implementation of this fundamental part of the NPT was renewed. The 13 practical steps for the systematic and progressive efforts to implement Article VI of the NPT, was considered to be the most important achievement of the 2000 Review Conference in the field of nuclear disarmament. This Conference would need to seriously consider the expansion of the national reports by the nuclear-weapon States with respect to their implementation of Article VI of the Treaty to the Conference, to include their measures adopted in implementation of the these 13 practical steps.

4. Since the 2000 NPT Conference developments in the area of nuclear disarmament have not been promising. Despite the obligations under Article VI and undertakings by the nuclear-weapon States in 1995 and 2000, in particular the 13 practical steps, the continued development and deployment of thousands of nuclear warheads in the stockpiles of the nuclear-weapons States are still threatening international peace and security.

5. The non-entry into force of START II agreement, the reluctance to pursue the START III negotiations and abrogation of the ABM Treaty are among the serious set backs to the implementation of 13 practical steps. The international community has noted the signature of the Moscow Treaty on Strategic Offensive Reduction in 2002. However, reductions as stipulated in this treaty are far below the international expectations for real steps towards total elimination of nuclear weapons. Moscow Treaty does not go beyond de-commissioning of nuclear weapons and Parties do not have any obligation to destroy their nuclear weapons. No verification mechanism is also envisaged. It, therefore, does not take into account the principles of "increased transparency", "diminishing role for nuclear weapons" and "irreversibility" which were agreed by the nuclear-weapon States in the 2000 NPT Conference.

6. During the 2000 Review Conference, the nuclear-weapon States committed themselves to "the further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as integral part of the arms reduction and disarmament process". In spite of that, no practical steps have been taken to reduce tactical nuclear weapons by the nuclear-weapon States.

7. The adoption of the Nuclear Posture Review by some nuclear-weapon State, provides for the development of new types of nuclear weapons, possible use or threat of use of nuclear weapons against non-nuclear-weapon States and targeting nuclear weapons against non-nuclear weapons States Parties to the Treaty, in contravention with the assurances given by the nuclear-weapon States at the time of the conclusion of the NPT and its indefinite extension. My delegation intends to address this issue as well as the general question of "security assurances" in its proper stage allocated to the issue in the Conference.

8. At the earlier stage, the questions raised over the new posture review were simply refuted as being based on an unofficial paper reports. Yet today in spite of allocation of hundreds of millions of dollars to projects aimed at developing mini-nuclear weapons or the so-called bunker busters, they are claimed to be simple research programmes. This Conference has an urgent task to alleviate the concerns of non-nuclear-weapon States over the development of new nuclear weapons and should consider a decision on prohibition of development and production of any new nuclear weapons, particularly mini-nukes as well as a ban on construction of any new facility for the development and production of nuclear weapons.

9. Moreover, real concerns of the international community over vertical proliferation of nuclear weapons transfer and deployment of nuclear weapons in territories of non-nuclear-weapon States, lowering the threshold of resort to nuclear weapons and the danger of using such inhumane weapons in conventional conflicts and against non-nuclear-weapon States parties to the NPT, remains unabated.

10. In accordance with Article I of the NPT "Each nuclear-weapon State to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly or indirectly". Contrary to this obligation hundreds of nuclear weapons have been and are still deployed in other countries and air forces of non-nuclear-weapon States train delivery of these weapons under the cover of military alliances. In the same context, the nuclear sharing between nuclear-weapon States and non-nuclear-weapon States is also a grave source of concern for NPT parties. The nuclear-weapon States should comply with their obligations under Article I by refraining

from nuclear sharing, no matter what the pretext or under any kind of security arrangements or military alliance.

11. Furthermore, the Conference should reaffirm the total and complete prohibition of the transfer of any nuclear-related equipment, information, material and facilities, resources or devices and the extension of assistance in the nuclear scientific or technological fields to non-parties to the NPT, without exception and in particular to Israel, whose unsafeguarded nuclear facilities and its continued programme for the development of nuclear weapons are a real threat to all countries in the Middle East and to the international peace and security.

12. Although as a positive note nuclear testing moratorium has been maintained after the CTBT signature, some efforts are under way in some nuclear-weapon States to allocate millions of dollars to reduce the time necessary to resume a nuclear test up to 18 months that put into question their commitment on moratorium. The prospect for the CTBT entry into force has faced a serious set back by the rejection of the ratification process by a major nuclear weapon State. Similarly at the time the prospect for commencing the negotiations of a Fissile Material Cut-off Treaty was high, the unwarranted insistence from the same country for excluding the element of verification from the negotiating mandate of the Ad Hoc Committee to be established at the CD has created an obstacle for the realization of this long-standing commitment of the international community. It is time to seriously consider that by changing the negotiating mandate of the Ad Hoc Committee, no basis is remained to allow for the commencement of the Cut-Off Treaty negotiations.

13. While the new issues such as terrorism, non-proliferation threats and the role of non-States actors should be dealt with, it is very unfortunate that these issues are abused as pretexts to justify the pursuit of programmes on new nuclear weapons system and the ignorance of nuclear disarmament obligations. Specific threats may not be resolved through resorting to more dangerous weapons with catastrophic consequences going well beyond any other threats in scope and effects.

14. The NPT Review Process should be able to reiterate once again its unconditional global call for the full implementation of the unequivocal undertaking of the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals and must assess the implementation of the 13 practical steps adopted by consensus in the 2000 NPT Review Conference.

15. Parties to the Treaty particularly the nuclear-weapon States should engage in good faith in substantive work of the Conference for the speedy and meaningful implementation of obligations under the Treaty including Article VI and the commitments made within 1995 and 2000 NPT Review Conferences.

16. We continue to believe in the need for negotiations on a phased programme for the complete elimination of nuclear weapons within a specified time limit, including a Nuclear Weapons Convention, and in this regard reiterate our call for the establishment as the highest priority and as soon as possible of an Ad Hoc Committee on Nuclear Disarmament in the Conference on Disarmament.

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Working paper submitted by the Islamic Republic of Iran for Main Committee II

Safeguards

1. The IAEA is the competent authority responsible for verifying and assuring in accordance with the statute of the IAEA and IAEA safeguards system, compliance with its safeguards agreements with States Parties undertaken in the fulfilment of their obligations under article III, paragraph 1, of the Treaty with a view to preventing diversion of the nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Therefore nothing should be done to undermine the authority of IAEA in this regard.

2. The safeguards system of the IAEA is a fundamental pillar of the nuclear non-proliferation regime. According to article III of the Treaty, each non-nuclear weapon State party to the treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency for the exclusive purpose of verification of the fulfilment of its obligations assumed under the NPT. The safeguard agreements aim to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices.

3. The comprehensive safeguards agreements (INFCIRC/153) has been recognized as the primary legal basis of the safeguards by the States Parties to the Treaty ensuring that no diversion of nuclear material has occurred in the nuclear programme of the States. Such safeguards agreements still form the foundation of all safeguards activities of the Agency, and need to be promoted and universalized.

4. It should also be emphasized that comprehensive safeguards agreements based on the document INFCIRC/153 have been successful in their main focus of providing assurance regarding declared nuclear material and have also provided some assurances regarding the absence of undeclared nuclear material and activities.

5. Following major efforts by the IAEA Board of Governors, negotiations led to the adoption of the Additional Protocol which goes very extensively beyond the traditional safeguard agreement through establishment of an intrusive verification mechanism.

6. In the meantime, the Additional Protocol may not achieve its objectives if all nuclear-weapon States Parties and States not party to the Treaty continue to refrain from adhering to it.

7. The Agency's activities in accordance with its statute focuses on three pillars which include enlarging peaceful applications of nuclear energy, verification of nuclear materials and activities, and enhancing the safety and security of nuclear material and facilities, which may be summarized into two dimensions of promotional and regulatory activities.

8. It should be noted that preservation of the balance between the promotional and regulatory activities is the best guarantee for integrity and credibility of the Agency. Equal political and financial support should be rendered to all the three pillars and strengthening one pillar should not be at the cost of any other. It is a source of deep concern that attempts are exercised by some to use the IAEA's technical cooperation as a tool for political purposes in violation of the IAEA's statute.

9. The IAEA, under its statutory obligations, pursues the goals of technical cooperation in peaceful applications of nuclear energy as one of the three pillars of its activities. In order to meet the objectives of technical cooperation for peaceful purposes as enshrined in the Statute of the IAEA and in the NPT, sufficient resources together with full political support should be provided in order to ensure that the technical cooperation programme remains firm, sustainable and predictable.

10. As understood from the provision of this legal instrument, fulfilment of the obligation to accept safeguards may not be looked at in isolation from article IV. Article III reaffirmation that "*the safeguards shall be implemented in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international co-operation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this Article and the principle of safeguarding set forth in the Preamble of the Treaty*", is in fact an assurance for the implementation of article IV.

11. In spite of decisions of the previous NPT review conferences, non-nuclear weapon-States Parties to the Treaty are facing threats of attacks from certain nuclear weapon States and non-parties to the Treaty. The threat is so serious that a nuclear weapon State in its nuclear posture review explicitly names non-nuclear weapon States Parties to the Treaty as the target of its deployed nuclear weapons.

12. Principle 20 of the 1995 Decision on Principles and Objectives confirms that: "*Attacks or threats of attack on nuclear facilities devoted to peaceful purposes jeopardize nuclear safety and raise serious concerns regarding the application of international law on the use of force in such cases, which could warrant appropriate action in accordance with the provisions of the Charter of the United Nations.*" Any such attacks would have severe humanitarian, environmental, political and economic consequences and put under question the credibility of the NPT.

13. The issue of inviolability of the safeguarded nuclear facilities should be seriously dealt with. States Parties to the NPT should undertake not to take or assist, or encourage any action aimed at an armed attack by conventional or other means against nuclear facilities under full scope safeguards of the IAEA.

Avoiding Unilateral Criteria setting and Double Standard

14. Unilateral criteria setting and imposition of double standards both in the field of safeguards and technical cooperation are detrimental to the credibility of the IAEA verification and promotional activities. The role of the IAEA safeguards system in providing credible assurances in the peaceful nature of the nuclear activities of States Parties should be recognized and supported as the only criteria in verification of compliance with article II obligations. Wishful judgement on others' compliance, while being in a questionable standing with one's own obligations, would be a disservice to the non-proliferation cause.

15. National export controls should not in any manner hamper or restrict the transfer and exchange of materials, equipment and technology for peaceful purposes between States Parties to the Treaty. Non-transparent and discriminatory export control regimes lead to new division between States Parties to the Treaty and can only provoke suspicion and mistrust. Therefore any supplier arrangement should be transparently promoted through a framework of dialogue and cooperation among all interested States Parties to the Treaty.

16. New concepts are introduced which go beyond the essential foundations of the Treaty. The idea of "counter-proliferation" as something differing from the Treaty term of "non-proliferation" has been introduced in circumstances that the Treaty itself provides very clear basis and mechanism for verification of compliance with the treaty and collective action to confront the threats and deal with cases of proliferation.

17. No rule of the international law authorizes any State Party to a treaty to claim a superior enforcing role. Nor do internationally recognized rules of navigation in high seas permit any State to cut through free navigation in high seas under unwarranted claims of counter-proliferation. Therefore any effort to give the slightest recognition of any new special status to any State Party or go along with new divisions among the States Parties to the NPT can not be accepted.

Nuclear Weapon Free Zones

18. The establishment of nuclear weapons free zones as reaffirmed in SSOD-I constitute an important disarmament measure. The establishment of such zones enhances regional and global peace and security, and strengthens the non-proliferation regime as well. The establishment of NWFZ in Latin America, South Pacific, Africa, South-East Asia and Central Asia are all effective initiatives towards the attainment of a world entirely free from nuclear weapons.

19. The establishment of a nuclear weapon free zone in the Middle East has been the long-standing goal of the people of the region. The establishment of such a zone in the Middle East will strengthen the security and stability in the region.

20. The resolution on the Middle East, as reaffirmed in the Final Document of the 2000 NPT Review Conference, is an essential element of the package of agreements in the 1995 NPT Review and Extension Conference and of the basis on which the Treaty on the Non-Proliferation of Nuclear Weapons was indefinitely extended without vote in 1995.

21. The 2000 Review Conference called upon all States in the Middle East that had not yet done so, without exception, to accede to the Treaty as soon as possible

and to place their nuclear facilities under full scope IAEA safeguards. The Conference also emphasized the importance of Israel's accession to the Non-Proliferation Treaty and placement of all its nuclear facilities under comprehensive IAEA safeguards.

22. However, despite repeated calls by the international community, Israel has neither acceded to the Treaty nor has it placed its unwarranted nuclear facilities under full scope safeguards. Israel has not even declared any intention to accede to the Treaty.

23. Moreover the unsafeguarded facilities of Israel constitute a real threat to the security of the Middle East countries. The 2000 Review Conference recalling the obligation of all States Parties under articles I, II and III of the Treaty, called upon all States Parties not to cooperate or give assistance in the nuclear or nuclear-related field to States not party to the Treaty in a manner which assists them in manufacturing nuclear weapons or any other nuclear explosive devices.

24. An agreed plan of action for the universality of the Treaty on the Non-Proliferation of Nuclear Weapons, especially in the Middle East, should be on the agenda of all States Parties to the Treaty, in particular nuclear-weapon States. There should be greater pressure on Israel to accede to the Treaty promptly and without condition, and to place all its nuclear facilities under the IAEA full scope safeguards.

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Working paper by the Islamic Republic of Iran on negative security assurances

1. The question of the security of non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) against use or threat of use of nuclear weapons has been an important issue since the inception of the NPT.

2. In the early 1980s, all five nuclear-weapon States, in response to the international demand for a treaty on negative security assurances against nuclear weapons, as a first limited step, accepted some qualified undertakings not to use such weapons against States Parties to the NPT and those which renounce the production and acquisition of such weapons.

3. In early April 1995, this pledge was reaffirmed through unilateral statements by nuclear-weapon States and on 11 April 1995, just days before the 1995 NPT Review and Extension Conference, United Nations Security Council resolution 984 was adopted taking note of these unilateral statements and recognizing "*the legitimate interest of non-nuclear-weapon States parties to the Treaty on Non-Proliferation of Nuclear Weapons to receive assurances*". The Security Council is also very explicit in "*considering that the ... resolution constitutes a step in this direction*". The 1995 unilateral statements and the subsequent United Nations Security Council resolution are inseparable parts of the deal over the indefinite extension of the Treaty and the efforts to weaken those achievements seriously undermine the very credibility of the NPT.

4. The unilateral declarations of the nuclear-weapon States and the Security Council resolution were duly taken note of, in a package of decisions, by the 1995 NPT Review and Extension Conference. Principle 8 of the Decision on Principles and Objectives stipulated that "*further steps should be considered to assure non-nuclear-weapons States Parties to the Treaty against the use or threat of use of nuclear weapons. These steps could take the form of an internationally legally binding instrument.*"

5. The 2000 NPT Review Conference in paragraph 2 under "Article VII Chapter" of its Final Document reaffirmed the total elimination of nuclear weapons as the only absolute guarantee against the use or threat of use of nuclear weapons, and agreed that legally binding security assurances by the five nuclear-weapon States parties to the Treaty to the non-nuclear-weapon States strengthen the nuclear

proliferation regime and called upon the Preparatory Committee to make recommendations to the 2005 Review Conference. In view of this agreement, despite the inability of the Preparatory Committee, the NPT Review Conference has a clear mandate to make a decision on Negative Security Assurances.

6. Today, as an effect of the adoption of the Nuclear Posture Review in 2001, the non-nuclear-weapon States are more than ever under the real threat of use of nuclear weapons. The development of new types of nuclear weapons and naming non-nuclear-weapon States as targets of such inhumane weaponry clearly violates the obligations under Article VI of the Treaty and put their commitment to their 1995 unilateral statement under serious question. Contrary to some claims, the development of mini-usable nukes or the so-called bunker busters are not mere studies. Hundreds of millions of dollars have already been allocated to the project and the international community should not await the deployment or even use of such weapons to react.

7. Iran considers the total elimination of nuclear weapons as the only absolute guarantee against the use or threat of use of nuclear weapons and pending the total elimination of these inhuman weapons, efforts for the conclusion of a universal, unconditional and legally binding instrument on security assurances to non-nuclear-weapon States should be pursued as a matter of priority by the international community.

8. We therefore expect this Conference in the implementation of the mandate from the 2000 Review Conference, to make a decision on the Negative Security Assurances to Non-nuclear Weapon States. The Conference could reaffirm, inter alia, that:

(i) In the post cold war era and pending the conclusion of a legally binding instrument on negative security assurances, the nuclear-weapon States should undertake unconditional and unqualified commitments so as not to use or threat of use of nuclear weapons against non-nuclear-weapon States parties to the NPT.

(ii) In light of the new developments in the international security arena, a new resolution from the United Nations Security Council underlining unqualified security assurances on use or threat of use of nuclear weapons against non-nuclear-weapon States parties to the NPT would enhance regional and international peace and security.

9. We regret that the Preparatory Committee was disabled from producing recommendations on the Security Assurances to the 2005 Review Conference. Therefore, we propose that the Conference would establish an AD-Hoc Committee to work on a draft legally binding instrument on providing security assurances by the five nuclear-weapon States to non-nuclear-weapon States parties to the Treaty, and to submit the draft of the legal instrument to the next Review Conference for its consideration and adoption. As a first step to address the twin issues of illegality of use and NSA, we believe that as suggested by the NGO community this conference should adopt a decision through which the Conference "decides that the threat or use of nuclear weapons against non-nuclear-weapon States shall be prohibited."

NPT/CONF.2005/WP.50

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

19 May 2005

Original: English

New York, 2-27 May 2005

Peaceful use of nuclear energy

Working paper submitted by the Islamic Republic of Iran for Main Committee III

Peaceful use of nuclear energy

1. Article IV of the Treaty guarantees *"the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty"* and provides for an undertaking by all parties to the Treaty *"to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy"* in order to establish a balance between security concerns and the socio-economic requirements for development especially for the developing countries. This Article also plays a crucial role as the main incentive set forth to encourage non-nuclear weapon states to join the Treaty and thereby foster the non-proliferation regime.

2. Peaceful application of nuclear energy was recognized in the Statute of the International Atomic Energy Agency well before the conclusion of the NPT. The *reason de etre* of the Agency is "atom for peace" and as stipulated in article II of the statute of the Agency one of the main pillar of the agency is acceleration and enlargement of contribution of atomic energy to peace, health and prosperity throughout the world. The peaceful application of atomic energy is so important that even in paragraph 4 of the comprehensive safeguard agreement it is reiterated that: *"The safeguards provided for in this Agreement shall be implemented in a manner designed:*

(a) To avoid hampering the economic and technological development of the country or international co-operation in the field of peaceful nuclear activities, including international exchange of nuclear material;

(b) To avoid undue interference in the country's peaceful nuclear activities, and in particular in the operation of facilities; and

(c) To be consistent with prudent management practices required for the economic and safe conduct of nuclear activities."

3. The inalienable right of all States Parties to nuclear technology for peaceful purposes without discrimination indeed constitutes the very foundation of the Treaty. This inalienable right in itself emanates from two broader propositions. First, scientific and technological achievements are the common heritage of humanity and are not the monopoly of some nations. They must be used for the improvement of the human condition and not abused as instruments of terror and domination. The second general proposition is the requisite balance between rights and obligations of the States Parties which is the basis of any sound legal instrument. This balance guarantees the longevity of the legal regime by providing incentives for membership and compliance.

4. Article III, while providing for the undertaking by each non-nuclear weapon state to conclude safeguard agreements with the IAEA, is equally explicit in articulating that the implementation of such safeguards shall be *"in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international co-operation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing"*.

5. As an important element of the package which led to the indefinite extension of the Treaty in 1995, the right to peaceful uses of nuclear energy is underlined in 7 paragraphs of the decision on Principles and Objectives. Ensuring the exercise of inalienable right of all parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination is specifically emphasized in Principle 14.

6. The 2000 NPT Review Conference also reaffirmed that nothing in the Treaty shall be interpreted as affecting the inalienable right of all the parties to develop, research production and use of nuclear energy for peaceful purposes without discrimination.

7. This notion was duly noted in the Final Document of the 2000 NPT Review Conference considering that *"the strengthening of IAEA safeguards should not adversely affect the resources available for technical assistance and cooperation. The allocation of resources should take into account all of the Agency's statutory functions, including that of encouraging and assisting the development and practical application of atomic energy for peaceful uses with adequate technology transfer."*

8. Given the importance of the peaceful applications of nuclear energy and nuclear technologies for human health, agriculture, environmental protection and sustainable economic development, especially in the developing countries, the statute of the International Atomic Energy Agency recognizes its role in encouraging and assisting *"research on, and development and practical application of, atomic energy for peaceful uses throughout the world"* and fostering *"the exchange of scientific and technical information on peaceful uses of atomic energy"*.

9. In recent years, the fundamental role of the IAEA for the promotion of nuclear energy for peaceful purposes has been increasingly recognized. Developing States Parties to the Treaty expect more financial and human resources to be dedicated to the Technical Cooperation Fund of the Agency to enable the latter to effectively discharge its responsibilities.

Export control

10. Measures taken by the States Parties to prevent nuclear proliferation should facilitate rather than hamper the exercise of the recognized rights of the developing States Parties to the Treaty for the peaceful applications of nuclear energy. Imposition of undue restrictions as a cover for implementation of certain States' foreign policy objectives is a manifest violation of Article IV obligations and challenges both the integrity and credibility of the Treaty.

11. Undue restrictions on the transfers of nuclear materials, equipment and technologies for the peaceful uses of nuclear energy should be removed. Bilateral and multilateral cooperation among the States Parties to the Treaty under the supervision of the IAEA on the peaceful uses of nuclear energy should never be restricted or confined either by other states or ad hoc export control regimes. The application of unilaterally enforced export control regimes in contravention with the letter and the spirit of the Treaty has hampered the access of developing countries to nuclear materials, equipment and technologies for peaceful purposes.

12. Principle 9 of the 1995 Decision on Principles and Objectives, adopted together with the Decision on Indefinite Extension of the Treaty, provides the appropriate mechanism to address proliferation concerns and explicitly reiterates that *"nothing should be done to undermine the authority of the International Atomic Energy Agency in this regard"*. Non-proliferation control arrangements should be transparent and open to participation by all States. Such arrangements should not impose restrictions on access to material, equipment and technology for peaceful purposes required by developing countries for their sustainable development. In this regard any attempt to use the International Atomic Energy Agency's (IAEA) technical co-operation program as a tool for political purposes in violation of the IAEA's Statute, is unacceptable.

Cooperation on the peaceful use of nuclear energy

13. Measures need to be taken to ensure that the inalienable rights of all the States Parties under the provisions of the preamble and articles of the Treaty are all fully protected. No State Party should be limited in exercising its rights under the treaty based on allegations of non-compliance which are not substantiated by the IAEA. The inalienable rights of the States Parties, as stipulated in the Treaty, cover all aspects of peaceful technologies and are not limited to specific areas. In this connection, it was stipulated in the Final Document of the 2000 NPT Review Conference and reiterated by the Ministers of the Non-Aligned Countries in the Durban Conference in 2004 that: *"each country's choices and decision in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international co-operation agreements and arrangements for peaceful uses of nuclear energy and its fuel-cycle policies."* The interpreting of Article IV in a way that limits the rights derived from this Article to mere *"benefits of nuclear energy"* is clearly in contravention of the very wording of the Treaty and is totally unacceptable.

14. Rapid global demand for electricity, increasing uncertainty in supply and prices of oil and natural gas, and concerns about the greenhouse gas emissions have opened more prospects for the new development of nuclear energy at the global scale. Within this trend more countries have the determination to construct new nuclear power plants, while others already having such plants, have opted to

construct new ones. Accordingly the global demand for nuclear knowledge and materials, including the programs for development of fuel cycle facilities are growing rapidly. Global trends and analysis suggest a lucrative market for the nuclear fuel in the next decade.

15. Unfortunately the developing States Parties to the NPT face wide range of impediments in expanding their efforts in the exercise of their rights for the application and use of nuclear technology for peaceful purposes. Many nuclear technologies, materials and items are subject to broad restrictions under the pretext of proliferation. Political constraints and monopolies in the area of fuel supply and reprocessing prevents developing countries from enjoying their inalienable right to peaceful uses of nuclear energy and risk the continuous and secure operation of their nuclear power plants. The suppliers have all the means therefore to impose their conditions on the recipients, who are completely dependent on importing fuel for their nuclear power plants.

16. Developing countries have been thus deprived from their basic rights under Article IV of the Treaty. A series of measures are required here to rectify this unfair situation and ensure them of exercising their legitimate rights under the Treaty. Article IV otherwise would be just dead letters on a paper. These measures could include:

- Recognizing the right of all States Parties to develop research, production and use of nuclear energy in all fields;
- Respecting the national choices, decisions and policies of all States Parties to work in all safeguarded nuclear activities, including fuel cycle without discrimination;
- Facilitating and encouraging the economic and technical cooperation in the fuel cycle field through the establishment of regional arrangements.
- Playing a more effective role by the IAEA in guaranteeing the fuel supply and recognition of the fact that restricting fuel supply would be contrary to the basic obligations of the States parties to the NPT;
- Ensuring that fuel would be accessible to the developing countries with competitive and fair conditions devoid of imposed regulations and prices determined through monopolies in the market.
- Ensuring that the application of national control measures do not restrict or limit the access of States Parties to the fuel market;

17. To relieve concerns over the expansion of fuel cycle activities and associated proliferation risks, such as risk of diversion of fissile materials to undeclared purposes, countries with vast nuclear activities and particularly those with fuel cycle program could promote more confidence and transparency within the framework of their IAEA safeguard agreements and other relevant instruments. The States Parties which have enjoyed the international cooperation to assure the implementation of their national policies on fuel cycle and peaceful use of nuclear energy could be expected to sign and implement the Additional Protocol. These countries could even voluntarily provide more transparency through particular arrangements with the IAEA with respect to certain aspect of their fuel cycle program in order to create more confidence.

18. In this context, double standard policies should be avoided. While some States Parties to the NPT with fuel cycle capabilities under IAEA full scope safeguards have been under extensive pressure and restrictions, non-parties to the Treaty with unsafeguarded plutonium reprocessing facilities have free access to any nuclear technology and know-how.

19. To strengthen the effectiveness and credibility of the Treaty and to put an end to the selective implementation of Articles of the Treaty and undue restrictions in violations of Article IV, the NPT 2005 Review Conference should intensify its work in order to promote the implementation of the inalienable rights of all states parties, particularly the developing countries, to enjoy their established rights under the Treaty to have full access to nuclear materials, technologies, equipment and scientific and technological information for peaceful purposes.

Article III (3)

20. "Peaceful purposes" is the only limit the Treaty lays on the exercise of the inalienable right of States parties to nuclear energy. Neither the NPT negotiations nor the text of the Treaty even slightly imply any limit on any specific field of nuclear technology, including the enrichment and fuel cycle fields. The practice of the States parties is also a confirmation of this understanding of the Treaty. Attempts to curb the rights deeply rooted in the Treaty amount to an amendment of the Treaty and fall far beyond the mandate of the review process as envisaged in paragraph 3 Article VIII and decision of the 1995 Review and Extension Conference.

21. There is currently an extensive international dialogue on nuclear fuel cycle issue. There have been initiatives to preserve the issue on the multilateral track and the report of the independent expert group on the theme "Multilateral nuclear approaches to the fuel cycle" is a contribution to discussions on this topic. However, the need to preserve the delicate balance between the rights and obligations of States parties to the Treaty is also crucial. Moreover, the Treaty already suffers from an unwarranted division amongst its parties. Solutions prescribing another division in the Treaty and limiting or denying the rights of States parties to any specific area of nuclear technology would certainly strike a sever blow to the integrity and, as a consequence, to the credibility of the Treaty.

Inviolability of facilities

22. Current threats of attack on nuclear facilities under full scope safeguards of the IAEA are a source of grave concern. In spite of decisions of the previous NPT review conferences, non-nuclear weapon States Parties to the Treaty are facing threats of attacks from both nuclear weapon States and non-parties to the Treaty. The threat is so serious that a nuclear weapon State in its nuclear posture review explicitly names non-nuclear weapon States Parties to the Treaty as the target of its deployed nuclear weapons.

23. Principle 20 of the 1995 Decision on Principles and Objectives confirms that: *"Attacks or threats of attack on nuclear facilities devoted to peaceful purposes jeopardize nuclear safety and raise serious concerns regarding the application of international law on the use of force in such cases, which could warrant appropriate action in accordance with the provisions of the Charter of the United Nations."* Any such attacks would have severe humanitarian, environmental, political and economic consequences and put under question the credibility of the NPT.

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24. This Conference should deal with the question of inviolability of the nuclear facilities under full scope safeguards of the Agency and the States Parties to the NPT should undertake not to take or assist, or encourage any action aimed at an armed attack by conventional or other means against nuclear facilities devoted to peaceful purposes under full scope safeguards of the IAEA.

NPT/CONF.2005/WP.51

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

19 May 2005

Original: English

New York, 2-27 May 2005

Enhanced strengthened review process for the Treaty

Working paper submitted by the Netherlands

The States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in the context of the implementation of article VIII, paragraph 3, of the Treaty, recalled and reaffirmed the provisions of the decision on "Strengthening the Review Process for the Treaty" adopted by the 1995 NPT Review and Extension Conference (reproduced in the attached Appendix for ease of reference) and the provisions contained in "Improving the effectiveness of the strengthened review process for the Treaty" agreed by the 2000 NPT Review Conference, with the objective of assuring that the purposes of the Preamble and the provisions of the Treaty as well as the decisions, resolutions and outcomes of previous Conferences are being realized.

The States Parties participating in the Conference:

1. Reaffirmed in accordance with article VIII, paragraph 3, and paragraph 2 of Decision 1 of the 1995 NPT Review and Extension Conference that review conferences should continue to be held every five years and that, accordingly, the next Review Conference should be held in the year 2010.

2. Further reaffirmed that beginning in 2007, the Preparatory Committee should hold, normally for a duration of 10 working days, a meeting in each of the years prior to the next Review Conference.

3. Reaffirmed that the purpose of the Preparatory Committee meetings would be to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference.

4. Decided that the Preparatory Committee should also consider developments affecting the operation and purpose of the Treaty and that nothing in the Treaty precludes the Preparatory Committee from adopting by consensus decisions and resolutions on matters of urgent concern relating to the authority, integrity and implementation of the Treaty. Should exceptional circumstances arise affecting the Treaty, a special meeting of NPT States Parties may be convened to consider such circumstances.

5. Decided that the first meeting should make the procedural preparations for the Preparatory Committee and the last meeting should finalize as its first priority all the procedural preparations for the 2010 Review Conference.

6. Decided that at its final session, the Preparatory Committee, taking into account the recommendations, deliberations and results of its previous sessions, should produce consensus reports for the Review Conference on procedural arrangements for the Conference and on recommendations on matters of substance reflecting the views of all States.

7. Agreed that the role of civil society should be enhanced in the Preparatory Committee and the Review Conference. Accordingly, duly accredited non-governmental organizations would attend all public meetings of the Preparatory Committee and the Review Conference, and upon request receive documents, as specified in the Rules of Procedure, and opportunities would be provided for them to address these meetings.

* * *

Explanatory note for elements on enhanced strengthened review process for the Treaty

1. Since the first review conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) held in 1975, the review process provided for in Article VIII of the Treaty has undergone considerable evolution in response to the changing international situation.

2. In an effort to regularize and strengthen the review process, the 1995 Review and Extension Conference (NPTREC) adopted Decision 1 on "Strengthening the Review Process for the Treaty" (NPT/CONF.1995/32/DEC.1), reproduced in the attached Appendix for ease of reference.

3. Decision 1 and its follow-up has focused on the modus operandi of the Preparatory Committee for the Review Conference, to enhance the consideration of substantive matters relating to the implementation of the Treaty in addition to its traditional function of preparing the procedural arrangements. Thus, since 1995, a prominent element in the work of the Preparatory Committee has been fulfilling its new mandate to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference.

4. The 2000 NPT Review Conference agreed on provisions for "Improving the effectiveness of the strengthened review process for the Treaty" contained in the Final Document of the 2000 NPT Conference, in order to further enhance effectiveness and as part of a move to promote a more result-oriented review process in which the achievements of each stage are fully used to secure further incremental improvements.

5. Aside from these formal actions designed specifically to strengthen the review process in the context of permanence with accountability for an indefinitely extended NPT, the review process also has been affected by the practices adopted by States Parties in preparing for and conducting the Review Conferences of 2000 and 2005.

6. In the view of many States Parties represented at this Review Conference, the experience and practices of the two most recent review cycles has shown that the system thus developed has not fully met its intended purpose and that it needs to be modified to take account of current circumstances. These States Parties believe that there is a need to ensure that the intent of Decision 1 adopted by the 1995 NPTREC, and reaffirmed in 2000, is dealt with in a manner that permits both the substantive function foreseen for the Preparatory Committee as well as the completion of procedural arrangements, such that the review process can better respond to the current challenges facing the NPT.

7. While this implies that the modus operandi of the Preparatory Committee should enable it at each of its sessions to pronounce itself on the implementation of the Treaty and on relevant specific current issues, this should also ensure that the Committee should complete the required procedural arrangements for the Review Conference. To facilitate the completion of the necessary procedural arrangements, in particular the draft agenda that needs to be decided before the Review Conference can begin its substantive work, the Preparatory Committee at its last session should give the highest priority to finalization of the procedural arrangements for the Review Conference.

8. Experience during the preparatory phases of the last two review cycles also has shown that consensus on substantive matters tends to be the exception rather than the rule, since the compromise on which such consensus is necessarily based will be achieved only at the last stage of the process, i.e. in the concluding phase of the Review Conference. This makes it unlikely in practice that the Preparatory Committee will succeed in producing at its last session in each cycle, "a consensus report containing recommendations to the Review Conference". In order, therefore, to facilitate the work of the Preparatory Committee and of its Chairperson, in conveying to the Review Conference the results of its deliberations, if consensus cannot be achieved at the last session on substantive recommendations to the Review Conference, the Preparatory Committee should adopt a report consisting of procedural arrangements for the Review Conference and a summary of the proposed recommendations

9. The experience of the Preparatory Committee sessions under the strengthened review process has demonstrated that for the process to be effective and to yield the expected results, it is vital that States Parties show the required political will and be prepared to carry out discussions and negotiations with a view to reaching results on procedural arrangement and substantive matters. A genuine and frank exchange of views, interactive debates and results oriented approach would be the key to success.

10. Accordingly, the draft text of a decision by the Conference, or draft text for inclusion in a final document of the Conference, is attached herewith.

Appendix

NPT/CONF.1995/32 (Part 1), Annex

Decision 1
Strengthening the review process for the Treaty

1. The Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons examined the implementation of article VIII, paragraph 3, of the Treaty and agreed to strengthen the review process for the operation of the Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized.

2. The States party to the Treaty participating in the Conference decided, in accordance with article VIII, paragraph 3, that Review Conferences should continue to be held every five years and that, accordingly, the next Review Conference should be held in the year 2000.

3. The Conference decided that, beginning in 1997, the Preparatory Committee should hold, normally for a duration of 10 working days, a meeting in each of the three years prior to the Review Conference. If necessary, a fourth preparatory meeting may be held in the year of the Conference.

4. The purpose of the Preparatory Committee meetings would be to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference. These include those identified in the decision on principles and objectives for nuclear non-proliferation and disarmament, adopted on 11 May 1995. These meetings should also make the procedural preparations for the next Review Conference.

5. The Conference also concluded that the present structure of three Main Committees should continue and the question of an overlap of issues being discussed in more than one Committee should be resolved in the General Committee, which would coordinate the work of the Committees so that the substantive responsibility for the preparation of the report with respect to each specific issue is undertaken in only one Committee.

6. It was also agreed that subsidiary bodies could be established within the respective Main Committees for specific issues relevant to the Treaty, so as to provide for a focused consideration of such issues. The establishment of such subsidiary bodies would be recommended by the Preparatory Committee for each Review Conference in relation to the specific objectives of the Review Conference.

7. The Conference further agreed that Review Conferences should look forward as well as back. They should evaluate the results of the period they are reviewing, including the implementation of undertakings of the States parties under the Treaty, and identify the areas in which, and the means through which, further progress should be sought in the future. Review Conferences should also address specifically what might be done to strengthen the implementation of the Treaty and to achieve its universality.

NPT/CONF.2005/WP.52

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

23 May 2005

Original: English

Note verbale dated 20 May 2005 from the Permanent Mission of Germany addressed to the Secretary-General of the Conference

The Permanent Mission of Germany to the United Nations presents its compliments to the Secretary-General of the Conference, and with reference to the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), has the honour to request that the following German contribution submitted to the Preparatory Committee be circulated as a working paper of the Conference:

- Attaining a nuclear-weapon-free world (NPT/CONF.2005/PC.I/WP.4) of 11 April 2002

NPT/CONF.2005/PC.I/WP.4

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

11 April 2002

Original: English

First session
New York, 8-19 April 2002

Attaining a nuclear-weapon-free world

Working paper submitted by Germany

1. There is general agreement on the final goal of the process of nuclear disarmament: the total elimination of nuclear weapons. This goal was made explicit in the "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" adopted by the 1995 NPT-Review and Extension Conference. The nuclear-weapon States subsequently declared in the Final Document of the 2000 NPT Review Conference their "unequivocal undertaking to accomplish the total elimination of their nuclear arsenals" as part of the 13 practical steps to implement article VI of the Treaty on the Non-Proliferation of Nuclear Weapons.

2. Thus the goal is clear; the question is how to achieve it. In coming to terms with this issue it might help to take a look at the essential prerequisites for a nuclear-weapon-free world.

I.

3. Among the prerequisites for a nuclear-weapon-free world the following appear to be of particular significance:

(a) **A reliable database and the non-availability of weapon-grade fissile material**: In the first instance we must establish, at the appropriate time, a reliable inventory of all nuclear weapons and stocks of fissile material usable for military purposes. Only on the basis of comprehensive and reliable data will it be possible to implement the final steps towards the establishment of a nuclear-weapon-free world. When moving towards a nuclear-weapon-free world, we must be in a position to state unambiguously that all existing nuclear weapons are destroyed. In addition, the physical non-availability of weapon-grade fissile material will provide the necessary assurance that a nuclear weapon cannot be assembled in a very short time; and we need to make sure that there is no easy breakout of individual States from a universal prohibition of nuclear weapons. This requirement also demonstrates the urgency of a comprehensive and coherent approach regarding the management, control and disposition of plutonium and highly-enriched uranium as the key ingredients of nuclear weapons. The dimension of the problem is illustrated by the fact that existing stockpiles of weapon-usable fissile materials amount to more than 3,000 metric tons, enough to produce more than 200,000 nuclear weapons! These considerations underline the need to start negotiations on a fissile material cut-off treaty without delay. The unequivocal commitment to accomplish the total elimination of nuclear arsenals should also be demonstrated by a willingness to enter speedily into negotiations on a fissile material cut-off treaty without linking such negotiations to other activities in the Conference on Disarmament. We therefore consider it a matter of priority to renew the 1998 mandate for an ad hoc committee to negotiate a fissile material cut-off treaty within the Conference on Disarmament;

(b) **Effective verification**: Effective verification measures, based on reliable and disaggregated data, need to be put in place in order to ensure all States that all nuclear weapons are destroyed and that no State maintains or is able to establish a capability that allows it to break out of the prohibition regime at short notice. It is a truism that the smaller the remaining stocks of nuclear weapons the more significant will be the danger presented by even a small number of undetected nuclear warheads. Thus the final stages of nuclear disarmament, the reduction of the last remaining weapons will be one of the most difficult stages of the process. We therefore have to devise a far-reaching and intrusive inspection regime. This regime needs to be universal, as any loophole could foster uncertainties and trigger a new arms race. The International Atomic Energy Agency could play a key role in the universal verification of a total ban on nuclear weapons. The need for a stringent verification regime is illustrated by the fact that the technologies and the necessary know-how for the production of nuclear weapons will continue to exist even after a nuclear-weapon-free world has been established. Furthermore recent events have made us acutely aware of the difficulties to detect a clandestine programme for the production of weapons of mass destruction;

(c) **Nuclear disarmament and overall security**: Article VI of the NPT places nuclear disarmament in the broader context of general and complete disarmament under strict and effective international control. This must not be misinterpreted as a linkage of nuclear disarmament to the achievement of general and complete disarmament. However, it must be seen as a reflection of the obvious fact that nuclear disarmament is not an end in itself but that it is to enhance overall security and stability. Nuclear disarmament must not increase the risk of large-scale conventional wars nor the revaluation of other weapons of mass destruction. It has to be made sure that the functions that are today attributed to nuclear weapons becomes dispensable. This relates in particular to their role in deterring being attacked by superior conventional forces or with other weapons of mass destruction. Thus the attainment of a nuclear-weapon-free world must be accompanied by the pursuance of other effective arms control agreements at a global and in particular also at a regional level. The building of confidence and the establishment of a stable and verifiable balance of conventional forces at the lowest possible levels is of key importance for regional security. Over the last decades Europe has undertaken determined and successful efforts towards this end. It has established a set of mutually reinforcing arms control agreements, by which existing disparities prejudicial to stability were eliminated, a secure and stable overall balance of conventional armed forces at lower levels was established, the capabilities for launching surprise attack and initiating large-scale offensive action were removed and overall confidence in security matters has been significantly enhanced. These arms control achievements have provided a basis for the fundamental and peaceful transformation of the relationship between East and West and the development of a cooperative security order in the whole of Europe. Much also remains to be done at a global level, inter alia:

(i) The Chemical Weapons Convention needs to be universally adhered to and be effectively implemented;

(ii) The Biological Weapons Convention must be strengthened by appropriate verification provisions;

(iii) The issue of delivery means of weapons of mass destruction must be addressed; in this regard the proliferation of ballistic missiles is a particular concern;

(iv) The risks posed by the spread of conventional armaments must be tackled.

II.

4. The above considerations clearly militate against sweeping demands for the immediate conclusion of a nuclear weapons convention and a fixed timetable for the abolition of nuclear weapons. Instead they underline the need for an incremental approach, which — gradually and inexorably — leads to the achievement of the goal of the total elimination of nuclear weapons. They must not be taken as a pretext to shun further progress on nuclear disarmament. On the contrary, they demonstrate the need to redouble our efforts. Seen in this perspective the current stalemate in the Conference on Disarmament is no longer tolerable. Germany shares the concerns about an arms race in outer space and calls for urgent efforts to be undertaken to address this problem. However, we oppose a linkage between this issue and a fissile-material cut-off treaty and call for the establishment of an ad hoc committee for the negotiation of such a treaty, on the basis of the 1998 mandate, without further delay. This would be an important step to recreate the momentum in nuclear disarmament.

III.

5. The Final Document of the 2000 NPT Review Conference spells out 13 practical steps for the systematic and progressive implementation of article VI. This action programme remains the performance benchmark for the disarmament process. It is of paramount importance that the credibility of this process is maintained at all times, that the process progresses along the lines of the precharted course and that it remain irreversible.

6. Progress in the implementation of the 13 steps is urgently required. The matters of key importance in this regard at this juncture include:

(a) Efforts to ensure the full compliance with and universal adherence to the NPT;

(b) The early entry into force and implementation of the Comprehensive Test-Ban Treaty;

(c) The start and early conclusion of negotiations on a Fissile-Material Cut-off Treaty;

(d) The achievement of a binding agreement between the United States and the Russian Federation on the verifiable and irreversible reduction of their strategic offensive arms;

(e) The start of negotiations on non-strategic nuclear weapons.

7. It is irrelevant to discuss when we will be able to attain a nuclear-weapon-free world. We must instead devote all our efforts to continued and steady progress in this direction.

IV.

8. Nuclear dangers are the subject of a resolution adopted by the United Nations General Assembly in November 2001. Such dangers are inherent in the very existence of nuclear weapons, their reduction and elimination are a crucial aspect while nuclear disarmament is still under way. Nuclear-weapon States bear a particular responsibility in this regard and are accountable to the rest of the world. A key concern is the security and safety of existing stocks, their protection against theft and their safe destruction. The report "Reducing Nuclear Dangers" by the United Nations Advisory Board on Disarmament Matters of 25 September 2001 (A/56/400) contains a number of interesting ideas that could be the subject of further substantive discussion in the review process leading to the 2005 NPT Review Conference.

NPT/CONF.2005/WP.53

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

23 May 2005

Original: English

Note verbale dated 20 May 2005 from the Permanent Mission of Germany addressed to the Secretary-General of the Conference

The Permanent Mission of Germany to the United Nations presents its compliments to the Secretary-General of the Conference, and with reference to the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), has the honour to request that the following German contribution submitted to the Preparatory Committee be circulated as a working paper of the Conference:

- Non-strategic nuclear weapons (NPT/CONF.2005/PC.I/WP.5) of 11 April 2002

NPT/CONF.2005/PC.I/WP.5

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

11 April 2002

Original: English

First session
New York, 8-19 April 2002

Non-strategic nuclear weapons

Working paper submitted by Germany

1. In the past the nuclear disarmament process between the Union of Soviet Socialist Republics/Russian Federation and the United States of America was primarily focused on long-range strategic systems (SALT, START) or intermediate-range nuclear forces (INF). Non-strategic or tactical nuclear weapons have so far not been covered by formal arms control agreements. However, the United States of America and the Soviet Union/Russian Federation, in 1991/1992, made unilateral commitments in this field; however, these are not subject to any accountability or verification. Rumours about the deployment or redeployment of non-strategic nuclear weapons in Europe have given rise to public concerns over the last few years.

2. There are significantly more nuclear warheads for tactical delivery systems than for strategic ones. The exact numbers are unknown; during the Code War tens of thousands of warheads and nuclear mines were produced; and we have to assume that there are still thousands of them left today. The sheer numbers in some arsenals give rise to concern. Non-strategic nuclear weapons are seen to pose particular risks also for other reasons: many of the warheads are presumably old and might have already exceeded their original lifespan; there are perceptions that the barriers against their use are lower compared with strategic systems; storage and deployment patterns and possible additional transportation risks as well as the often smaller size foster concern about enhanced proliferation risks and the danger that terrorists might gain access to them.

3. The need for action was already acknowledged at the end of the Cold War. The Heads of State and Government participating in the 1990 London meeting of the North Atlantic Council concluded that "as a result of the new political and military conditions in Europe, there will be a significantly reduced role for sub-strategic nuclear systems of the shortest range. They have decided specifically that, once negotiations begin on short-range nuclear forces, the Alliance will propose, in return for reciprocal action by the Soviet Union, the elimination of all its nuclear artillery shells from Europe". The statement was followed in 1991 by the United States Presidential nuclear initiative, a unilateral reduction commitment by President Bush,

which was reciprocated by the Soviet Union/the Russian Federation in 1991 and 1992 by the announcement of commitments similar to the ones suggested by the United States. Finally in 1997 the United States and the Russian Federation agreed that, in the context of the START III negotiations, they would explore possible measures relating to tactical nuclear systems, including appropriate confidence-building and transparency measures (cf. Helsinki Agreement on START III of 22 March 1997).

4. The Final Document of the 2000 NPT Review Conference contains, for the first time, a reference to non-strategic nuclear weapons in the so-called "13 steps" ("the further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process"). Thus a specific obligation was established that the nuclear-weapon States have to live up to. As part of the overall nuclear disarmament process, non-strategic weapons must be reduced in a verifiable and irreversible manner. However, recognizing that their elimination will not be possible in one leap, a gradual approach is suggested, which could include the following elements:

(a) Reporting by the Russian Federation and the United States on the implementation of the 1991/92 Presidential nuclear initiatives;

(b) Formalization of the Presidental nuclear initiatives, including an agreement on appropriate verification measures, which would give assurance of compliance with them;

(c) In line with the December 2000 NATO Report on Options for Confidence and Security Building Measures, Verification, Non-Proliferation, Arms Control and Disarmament: agreement on reciprocal exchanges of information regarding readiness status, safety provisions and safety features, and an exchange of data on United States and Russian Federation sub-strategic nuclear forces. The adoption of the four confidence and security building measures, which are the subject of discussions in the context of the NATO-Russian Federation relationship, should be encouraged;

(d) Following a successful conclusion of the current bilateral negotiations on strategic offensive arms, the Russian Federation and the United States should be encouraged to start negotiations on non-strategic nuclear weapons in order to close the existing loophole in the nuclear disarmament process;

(e) The NPT Review Conference and its Preparatory Commission should be regularly informed about the progress made on the issue of non-strategic nuclear weapons;

(f) In line with the requirement of reducing nuclear dangers, nuclear-weapon States that have not yet done so should also take particular security precautions (i.e. physical protection measures for transport and storage) regarding their non-strategic nuclear arsenals. The NPT Review Conference and its Preparatory Committee should be kept duly informed about this.

NPT/CONF.2005/WP.54

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

23 May 2005

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Note verbale dated 20 May 2005 from the Permanent Mission of Germany addressed to the Secretary-General of the Conference

The Permanent Mission of Germany to the United Nations presents its compliments to the Secretary-General of the Conference, and with reference to the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), has the honour to request that the following German contribution submitted to the Preparatory Committee be circulated as a working paper of the Conference:

- Protection against nuclear terrorism and security of nuclear materials and nuclear installations (NPT/CONF.2005/PC.I/WP.12) of 18 April 2002

NPT/CONF.2005/PC.I/WP.12

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

18 April 2002

Original: English

First session
New York, 8-19 April 2002

Protection against nuclear terrorism and security of nuclear materials and nuclear installations

Working paper submitted by Germany

1. The terrorist attacks of 11 September made clear that the world is confronted with a new quality of threat with serious repercussions in, among others, fields such as nuclear non-proliferation, safety and security.

2. The international community agreed in Vienna on the necessity to respond effectively to the threat of nuclear terrorism, both nationally and internationally.

3. Upon a German initiative the General Conference of the International Atomic Energy Agency (IAEA) at its most recent session requested the Director General to review the Agency's ongoing work and areas relevant to the prevention and mitigation of the consequences of such terrorist acts.

4. Six months after the terrorist attacks of 11 September, the IAEA Board of Governors in March 2002 approved in principle an action plan designed to upgrade worldwide protection against acts of terrorism involving nuclear and other radioactive materials. In approving the plan, the Board recognized that the first line of defence against nuclear terrorism is the strong physical protection of nuclear facilities and materials, thus avoiding the possibility of nuclear materials being acquired by sub-national groups or individuals, resulting in a threat of nuclear or radiological weapons.

5. The commitment of safeguards based on the Treaty on the Non-Proliferation of Nuclear Weapons aiming at the timely detection of any diversion of significant quantities of nuclear material by States has to be clearly distinguished from physical protection, which is designed to prevent acts of sabotage or theft by sub-national groups or individuals.

6. In Germany, the competent regulatory authorities, the security authorities and the operators of nuclear installations have responded to the terrorist attacks in several areas. The security authorities carry out an ongoing assessment and an evaluation of the current threat situation. The licencees of all nuclear installations were instructed by the competent authorities on both the federal and the state level

to implement additional physical protection measures at their facilities. The regulatory authorities initiated measures regarding personnel and organizational issues to improve the safety culture at nuclear installations and with regard to transport. The current design basis threat for the physical protection of Germany's nuclear installations has been reviewed and assessed against several new scenarios. This ongoing process has led and is continuing to lead to improved technical measures and regulatory and administrative systems with respect to the physical protection of nuclear material and nuclear facilities.

7. States do have the primary responsibility for the security and safety of nuclear and other radioactive materials and nuclear facilities on their territory and have to take effective measures to that end. Based on the sensitivity of the issues, States have to decide for themselves on the extent to which they will take the measures and provide the services envisaged by IAEA or whether they prefer the avenue of bilateral exchange of information and cooperation.

8. Germany actively participates in the ongoing negotiations on the strengthening of the Convention on the Physical Protection of Nuclear Material. These negotiations should be successfully concluded in the near future. Germany urges all States that have not yet done so to adhere to the Convention at the earliest possible date and to apply the recommendations on the physical protection of nuclear material and facilities contained in IAEA document INFCIRC/225/Rev.4 (corrected).

9. The safeguards system of IAEA is the fundamental pillar of the global nuclear non-proliferation regime. Germany stresses that Additional Protocols, together with comprehensive Safeguards Agreements, form an integral part of the IAEA safeguards system, to which adherence is mandatory and essential for the fulfilment of the obligations in article III of the Non-Proliferation Treaty. Germany therefore urges all States which have not yet concluded a comprehensive Safeguards Agreement and an Additional Protocol with IAEA to do so without delay.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

23 May 2005

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Note verbale dated 20 May 2005 from the Permanent Mission of Germany addressed to the Secretary-General of the Conference

The Permanent Mission of Germany to the United Nations presents its compliments to the Secretary-General of the Conference, and with reference to the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), has the honour to request that the following German contribution submitted to the Preparatory Committee be circulated as a working paper of the Conference:

- Working paper on export control (NPT/CONF.2005/PC.III/WP.14) of 29 April 2004.

NPT/CONF.2005/PC.III/WP.14

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

29 April 2004

Original: English

Third session
New York, 26 April-7 May 2004

Working paper on export controls submitted by Germany

The latest cases of nuclear proliferation have demonstrated that today one of the fundamental challenges to non-proliferation is the easy access to nuclear-capable dual-use technology and black market networks. One serious weakness that became apparent in this context are inadequate export controls. They greatly facilitate the job of nuclear proliferators. If they are allowed to continue unchecked they will undermine all other efforts of the State Parties to contain nuclear proliferation. Therefore, not to address this problem in a proper way would be highly negligent with the purpose of the Treaty.

In this context, the ratification of the Additional Protocol by all States Parties would represent a great leap forward since it gives the IAEA increased capabilities to monitor the trade with nuclear items. Germany regards Comprehensive Safeguards Agreements including the conclusion of an Additional Protocol as the safeguards standard that is demanded by Art. III of the Non-Proliferation Treaty. Therefore, we call upon all States Parties to conclude, ratify and implement as soon as possible an Additional Protocol.

The other lesson that needs to be drawn from these latest findings is that we need a sustained and concerted effort to set up and maintain in all states a minimum standard of export controls.

As a first step the IAEA, in cooperation with the States Parties, could take upon itself to define the minimum standard of export controls in the nuclear field that is necessary to achieve the non-proliferation goals of the NPT. The Treaty already demands export controls in Art III.2. However, those are restricted to nuclear items. They do not cover items that can be used in the nuclear and non-nuclear fields. After the lessons learned in the 1990s we believe any up-to-date minimum standard of export control must address the question of those "dual-use" items as well.

As a second step the IAEA should take an active role in enhancing nuclear export controls in NPT member states. At the request of a country or upon a proposal of the IAEA Secretariat accepted by the country the IAEA would send an expert team to this country to see if there is a possibility to improve export controls measured against the common minimum standard. Taking up the idea and format of the IPPAS missions, the expert team could consist of national export control experts financed by their home countries. The team would make a confidential report to the Secretariat and the country. The report shall contain the results of the analysis and, if appropriate, recommendations how to improve nuclear export controls. The Secretariat would then cooperate with the country to enhance its export controls.

IAEA assistance in enhancing nuclear export controls should be open to all IAEA member States. We would call on all States to make adequate use of the IAEA assistance.

The Third PrepCom is requested to recommend to the 2005 Review Conference that this proposal is reflected in the results of Review Conference.

NPT/CONF.2005/WP.56

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

23 May 2005

Original: English

Note verbale dated 20 May 2005 from the Permanent Mission of Germany addressed to the Secretary-General of the Conference

The Permanent Mission of Germany to the United Nations presents its compliments to the Secretary-General of the Conference, and with reference to the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), has the honour to request that the following German contribution submitted to the Preparatory Committee be circulated as a working paper of the Conference:

- Strengthening the NPT against withdrawal and non-compliance/Suggestions for the establishment of procedures and mechanisms (NPT/CONF.2005/PC.III/WP.15) of 29 April 2004

NPT/CONF.2005/PC.III/WP.15

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

29 April 2004

Original: English

Third session
New York, 26 April-7 May 2004

Strengthening the NPT against withdrawal and non-compliance

Suggestions for the establishment of procedures and mechanisms

Working paper submitted by Germany

At the Second Prepcom of the NPT Review process 2005 Germany introduced ideas on procedures and mechanisms which could strengthen the NPT against withdrawal and non-compliance. This working paper elaborates these ideas with a view to stimulating further discussion on them.

1. Structuring Withdrawal Procedures

The NPT is the most universal multilateral treaty. It is of paramount importance to maintain its authority. In order to do so every effort should be undertaken to prevent state parties from withdrawing from the NPT and subsequently becoming de-facto nuclear weapon states. The Review Conference could look for an agreement on the rules and procedures to be observed in case that a state has the intention to withdraw from the NPT. Such an agreement should in no way limit or exclude the right of states to withdraw from the Treaty as enshrined in Art.X of the NPT, but it would set out in advance the necessary steps and procedures which should be observed in such a case.

The following ideas might be further explored:

- Establishing a requirement for a state contemplating to withdraw from the NPT to submit to all NPT-Partners prior to the notification of withdrawal in accordance with Art X a written information setting out the concerns that have led it to contemplate withdrawing from the Treaty.

- **Establishing a requirement for a state contemplating to withdraw from the NPT to conduct prior consultations with NPT-state parties before exercising its right in accordance with Art. X. The information provided by that state would provide the point of departure for these consultations.** The consultations could take place in the context of an extraordinary conference of the NPT to be convened immediately after a state has declared its intention to withdraw and has informed about the reasons for its intention as set out above. The consultations should provide an opportunity for exploring possible ways and means to prevent a withdrawal including measures to be adopted in the NPT context which would satisfy the stated security needs of the party which intends to withdraw.

- **Examining the possibility to develop a list of criteria relating to the definition of the "extraordinary event, related to the subject matter of this Treaty".** Such a list of criteria might also be helpful for conducting the consultation process suggested above.

- **Determining that the right of withdrawal cannot be exercised in cases where the state in question is or is alleged to be (with relevant investigations/procedures underway) in non-compliance with the NPT.**

2. Structuring the communication between NPT members

The NPT does not contain any provisions regarding procedures to be followed in cases of non-compliance. Thus when for example the grave allegations regarding non-compliance by the DPRK arose in October 2002, the community of NPT-state parties as such had no direct way of communicating or co-ordinating its views.

It might therefore be worth examining whether the Review Conference would be able to remedy the situation by establishing communication rules and procedures in cases of serious non-compliance. Possible Mechanisms to be established in the NPT framework should however in no way detract from the role and obligations of the IAEA in this regard.

The following suggestions might be examined by the Review Conference:

- **Establishment of a formal point of contact system similar to the ones that were established for other Treaties and agreements (for example ICC of HCoC).** A point of contact could also be used to strengthen the interactivity of the Review Process in providing a forum for questions and answers between the regular Prepcom Meetings and the Review conferences themselves

- **Establishment of procedures for extraordinary conferences of the NPT-state parties to be convened in cases of serious violations of the NPT.** While the criteria for an extraordinary conference in a case of withdrawal can be clearly defined, a conference in reaction of serious violations of the NPT has to be subject to a quorum to be decided. Such a conference would provide high-profile opportunities to discuss specific non-compliance cases.

3. Structuring the reaction to a withdrawal

In cases where a withdrawal of a state from the NPT can ultimately not be avoided, the international community has to look for ways to reduce the possibilities of such a state, to benefit further from the technology and the know-how it has acquired under Art.IV of the NPT during its membership. This might indeed be very difficult to put into practice once a withdrawal has taken place. Thus the Review Conference could

- reaffirm the understanding of the NPT member states, that membership of and full compliance with the NPT represents a key requirement of the international community in order to participate in the development of the applications of nuclear energy for peaceful purposes.
- call on supplier countries to include in their delivery agreements the provision that the items delivered should remain under IAEA safeguards if the recipient state withdraws from the NPT.
- underline the understanding, that nuclear equipment, technology and know-how obtained as a member state of the NPT in accordance with article IV of the NPT, remains also in case of a withdrawal from the NPT by a state restricted to peaceful uses only and in consequence has to remain subject to IAEA-safeguards.
- consider in addition the possibility to establish a right for supplier countries or the IAEA to ask a state for the immediate restitution of material and technology delivered under Art.IV of the NPT in case that the state withdraws from the NPT. There could also be a provision allowing for the shut down of relevant capacities/facilities to be required. No state withdrawing from the NPT should have the right to benefit from the capacities and technological knowledge that it has established in the nuclear field as a result of having made use of Art.IV of the Treaty and/or having benefited from the assistance and cooperation provided under the Treaty by the IAEA or other State parties.
- reaffirm that in accordance with international law a state withdrawing from the NPT is still accountable for breaches or acts of non-compliance committed while still being a party to the NPT. Thus the state will continue to be subject to decisions of the relevant international institutions such as the IAEA and the UNSC.

NPT/CONF.2005/WP.57

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

23 May 2005

Original: English

New York, 2-27 May 2005

Strengthening implementation of article IV of the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by the United States

The benefits of peaceful nuclear cooperation comprise an important element of the NPT. Through substantial funding and technical cooperation, the United States fully supports peaceful nuclear development in many states, bilaterally and through the IAEA. But the language of Article IV is explicit and unambiguous: States asserting their right to receive the benefits of peaceful nuclear development must be in compliance with their non-proliferation obligations under Articles I and II of the NPT. No State in violation of Articles I or II should receive the benefits of Article IV. All nuclear assistance to such a State, bilaterally or through the IAEA, should cease. The United States hopes the deliberations at this Review Conference will endorse this proposition.

Given the crisis of non-compliance with the Treaty's non-proliferation obligations now confronting the NPT and the spurious claims by certain States that other States are wrongfully seeking to halt their legitimate nuclear programmes or access to certain nuclear-related technologies, the United States believes that this Conference must address in depth all aspects of Article IV.

The United States suggests the following language on Article IV for use in the Main Committee III report and in any Review Conference Final Document.

Article IV — Peaceful Nuclear Programmes

1. The Conference recognizes the valuable contribution the NPT has made in promoting the peaceful uses of nuclear energy in a manner that reduces proliferation risks.

2. The Conference declares that all NPT supplier States should seek to facilitate the fullest possible cooperation in the peaceful uses of nuclear energy, with due consideration for the needs of developing countries and in ways consistent with the Treaty's non-proliferation objectives.

3. The Conference reaffirms that peaceful nuclear programmes pursued by NPT parties must conform to their relevant obligations under Articles I, II and III of the Treaty.

4. The Conference recognizes that rigorous compliance with the NPT's non-proliferation obligations is essential to sustain full international confidence in peaceful nuclear applications in energy, industry, health, agriculture and other fields.

5. The Conference deplores the fact that certain NPT parties have sought to pursue nuclear weapons programmes behind the facade of allegedly peaceful nuclear programmes. It calls for rigorous measures to address this security risk to the Treaty and to maintain international confidence in peaceful nuclear cooperation among NPT parties. Article IV must be implemented in a manner that is fully consistent with the non-proliferation objectives of the NPT.

6. The Conference stresses that the right to participate in peaceful nuclear cooperation and the benefits thereof should be reserved solely for parties who are in full compliance with their relevant obligations under Articles I, II and III.

7. The Conference states that Article IV does not provide States Parties that have violated the non-proliferation provisions of the Treaty any protection from the consequences of these violations, including the imposition of measures against their nuclear programmes.

8. The Conference affirms that peaceful nuclear cooperation under Article IV is inextricably tied to a State's behaviour in fulfilling its non-proliferation obligations under the Treaty. It declares that sound implementation and enforcement of the NPT should entail reducing violators' access to nuclear technology.

9. The Conference believes that non-compliance with Articles I, II or III of the NPT should lead, at a minimum, to a halt in nuclear cooperation with that State whether bilaterally or through the IAEA. It urges all NPT supplier States, through appropriate means, to halt the use of equipment and nuclear material previously supplied and to require the elimination of these items or their return to the original supplier. The IAEA should use the relevant provisions of its Statute to take similar action.

10. The Conference believes that NPT parties in pursuit of legitimate peaceful nuclear programmes should ensure maximum possible transparency, particularly with other countries in the region, to help build confidence. It notes that secrecy breeds mistrust and undermines confidence in NPT commitments and at some point would lead to activities that would violate the Treaty.

11. The Conference affirms that Article IV does not require the transfer of any particular nuclear material, equipment or technology. It urges each NPT supplier State not to approve a transfer unless it is fully satisfied that the transfer would not contribute to proliferation.

12. The Conference emphasizes the importance of implementing Article IV to facilitate exercise of the right of NPT parties in compliance with the Treaty's non-proliferation obligations to pursue the peaceful uses of nuclear energy while ensuring against abuse of that right by parties in violation of those obligations.

13. The Conference realizes that export controls should be applied in order to protect against those NPT parties that would seek nuclear weapons capabilities

under the cover of a peaceful nuclear programme and that such measures are fully consistent with Article IV.

14. The Conference notes that the NPT neither guarantees nor prohibits the acquisition of a particular nuclear fuel cycle facility, but any such facility should conform to and be fully consistent with the scale of that country's nuclear programme as measured by international standards and economic factors.

15. The Conference understands that an assessment of whether the pursuit of an allegedly peaceful nuclear programme conforms with the NPT's non-proliferation undertakings would depend on a number of factors including the degree of transparency, rigorous compliance with safeguards undertakings, and the programme's coherence for peaceful purposes.

16. The Conference recognizes that ample fuel cycle services will exist for the foreseeable future and that there is no near-term need for any NPT party currently without full-scale, functioning enrichment or reprocessing facilities to embark upon or complete the construction of such facilities.

17. The Conference supports an expansion of international partnerships to include new donor and recipient States in cooperative efforts such as reducing stockpiles globally of highly enriched uranium used in civil research reactors and converting such reactors to the use of low enriched uranium where possible.

18. The Conference encourages all States to reduce the risk that terrorism poses to peaceful nuclear programmes by ensuring the application of strong security measures to nuclear material, radioactive sources, and associated facilities.

19. The Conference endorses efforts to combat nuclear terrorism such as implementing the IAEA's Nuclear Security Action Plan, supporting the revised Code of Conduct on the Safety and Security of Radioactive Sources, and accelerating efforts to improve regulatory control of radioactive sources in more than 90 member States of the IAEA.

20. The Conference recognizes the importance of the Convention on the Physical Protection of Nuclear Material in setting standards for the protection of nuclear material used for peaceful purposes, and supports efforts to strengthen the Convention and to increase the number of parties.

NPT/CONF.2005/WP.58

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

24 May 2005

Original: English

New York, 2-27 May 2005

Strengthening implementation of article III of the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by the United States of America

Handling the proliferation challenges that we, the parties to the NPT, face requires a robust IAEA safeguards system that not only helps to protect our common security against nuclear proliferation, but also builds confidence that peaceful nuclear development is not being abused. Safeguards are therefore essential to facilitating peaceful nuclear programs. As President Bush stated last year, "we must ensure the IAEA has all the tools it needs to fulfill its essential mandate." Making the Additional Protocol the verification standard and establishing a special safeguards committee of the IAEA Board of Governors are two key ways to strengthen international safeguards and provide the IAEA with much needed support and access.

An effective, transparent export control regime also helps build confidence among states that assistance provided for peaceful nuclear development will not be diverted to illegal weapons purposes. Yet, recent developments and revelations are troubling. The spread of enrichment and reprocessing technology poses a particularly dangerous risk. Collectively, we need to address urgently the very real security implications of the further spread of these technologies. Some countries, such as Iran, are seeking these facilities, either secretly or with explanations that cannot withstand scrutiny. We dare not look the other way. As President Bush has proposed, tighter controls should be adopted on enrichment and reprocessing technologies. We must close the loopholes in the Treaty that allow the unnecessary spread of such technologies. This can be accomplished without compromising truly peaceful nuclear programs, and in a manner that ensures that NPT parties that have no such facilities and are in full compliance with the Treaty are able to acquire nuclear fuel at a reasonable price.

The United States suggests the following language on Articles III for use in the Main Committee II report and in any Review Conference Final Document.

Article III
(IAEA safeguards — export controls — supplier measures)

1. The Conference urges all NPT parties to comply strictly with their safeguards obligations and to actively assist the IAEA in resolving questions or difficulties that arise in the application of safeguards.

2. The Conference encourages strong political and financial support for the rigorous implementation of IAEA safeguards and calls upon all states to provide the IAEA with credible information relevant to compliance with safeguards obligations.

3. The Conference reaffirms that all NPT NNWS that have not done so should bring into force at the earliest possible date the safeguards agreement required by Article III.4 of the NPT and thereby come into compliance with that Treaty obligation.

4. The Conference underlines the need for universal adherence to the IAEA Additional Protocol and calls upon all NPT parties that have not done so to bring a Protocol into force at the earliest possible date.

5. The Conference believes that implementation of the Additional Protocol is a key standard by which to measure a party's commitment to its nonproliferation obligations under the NPT, and that the Protocol should become an essential new standard in the field of nuclear supply by the end of 2005.

6. The Conference endorses efforts to strengthen the ability of the IAEA to ensure that nations comply with safeguards agreements, including through the adoption of a Special Committee of the Board of the Governors.

7. The Conference considers that any state under investigation by the IAEA Board of Governors for unresolved safeguards violations should not participate in decisions by the Board regarding its own cases, while retaining the right to address the Board in connection with such an investigation.

8. The Conference believes NPT parties should cooperate with the IAEA at all times and grant any access requested by the IAEA, consistent with the relevant safeguards agreement, for purposes of facilitating confidence through enhanced transparency.

9. The Conference urges full support for IAEA efforts to obtain a full explanation of nuclear programs being investigated for possible safeguards violations, encourages NPT parties to act immediately when called upon by the IAEA Board of Governors to provide additional information or access in such cases, and requests the IAEA Director-General to keep the Board of Governor's fully and currently informed of any such investigation.

10. The Conference affirms the importance of decisions by the IAEA Board of Governors on early provision of design information and notes that construction of secret nuclear facilities by NPT NNWS would constitute non-compliance with NPT Article III. It states further that such non-compliance would be magnified by a lack of transparency, delay or deception in providing information about these facilities once they are uncovered.

11. The Conference recognizes that a report to the UN Security Council on safeguards violations is required by Article XII.C of the IAEA Statute whenever the IAEA Board of Governors calls on a state to remedy any safeguards non-compliance that the Board finds to have occurred. It also urges the Board to provide such a report in the event that it finds that the IAEA is not able to verify that there has been no diversion of nuclear material required to be safeguarded to nuclear weapons or other nuclear explosive devices.

12. The Conference believes that any report by the IAEA Board of Governors to the UN Security Council regarding questions of compliance with safeguards should be submitted to the Council in a timely fashion. It recognizes that the IAEA must proceed with care and diligence in order to conduct a thorough investigation of safeguards problems, but concludes that protection of the security of NPT parties and enforcement of the NPT is served by prompt reporting.

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13. The Conferences urges the IAEA to act swiftly in conformity with its Statute to halt technical assistance and seek its return from any IAEA member that fails to remedy noncompliance with an IAEA safeguards agreement in a reasonable time period. The IAEA Board of Governors should consider a suspension of technical assistance for any members under investigation for such noncompliance. Persistent violations of safeguards agreements should lead to a suspension of the rights and privileges of membership as permitted under the Statute.

14. The Conference notes that NPT parties have entrusted matters vital to their security to the IAEA and to its Board of Governors. It emphasizes that NPT parties have a right to expect the IAEA and the Board of Governors to conduct investigations of noncompliance not only fairly and objectively, but also vigorously, thoroughly, and promptly.

15. The Conference understands that urgent measures are needed to curtail the spread of enrichment and reprocessing facilities, which are known to have been sought secretly by four NPT parties to date, in pursuit of nuclear weapons and in violation of the Treaty. Until appropriate measures are in place, it would be prudent for supplier states not to undertake new initiatives involving the transfer of such equipment and technology to additional states.

16. The Conference affirms the need to assure a reliable supply of nuclear fuel at reasonable cost to NPT parties that are in compliance with the Treaty and their safeguards obligations, which possess civil nuclear power reactors, and that do not pursue enrichment and reprocessing capabilities.

17. The Conference believes that nuclear material, equipment and technology should be supplied only to NNWS that have all their peaceful nuclear activities under IAEA safeguards and are in full compliance with their nuclear nonproliferation obligations, including safeguards. It believes that NPT parties in compliance with the Treaty should receive preferential treatment over non-NPT parties in regard to assistance to their peaceful nuclear programs.

18. The Conference recognizes the importance of effective controls on nuclear-related dual-use items. Such items should not be transferred to any NNWS for any nuclear explosive activity or an unsafeguarded nuclear fuel cycle activity, or to any state if there is an unacceptable risk of diversion to such an activity, or if the transfers are contrary to preventing the proliferation of nuclear weapons, or when there is an unacceptable risk of nuclear terrorism.

19. The Conference urges that nuclear export controls be strengthened to take into account the possibility that nuclear-related equipment, material or technology could be diverted to terrorists. Exporters should ensure that recipients have in place effective physical protection of relevant nuclear material and facilities. Strong controls should also be applied to the export of radiological materials to ensure their use only for peaceful purposes.

NPT/CONF.2005/WP.59

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

24 May 2005

Original: English

New York, 2-27 May 2005

Strengthening the implementation of article X of the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by the United States

The right to withdraw from the Treaty remains a sovereign right. But it is also true that parties to the NPT have a sovereign right to consider the ramifications upon their individual and collective security of such a withdrawal, including by States that have breached their obligations prior to withdrawal. We, the parties to the Treaty, should make clear that consequences will flow from withdrawal from the Treaty and, in doing so, deter such actions and further the goal of universal adherence.

The United States offers the following language for inclusion in the final report of Main Committee III and in any product of the 2005 NPT Review Conference.

Article X — Withdrawal

1. While affirming the sovereign right of any NPT State to withdraw in strict conformity with the provisions of Article X.1, the Conference strongly urges any State contemplating such action to engage in consultations, prior to withdrawal, with regard to the events that are leading it towards such a decision.

2. The Conference believes it is the duty of every NPT party to render all possible assistance to any State contemplating a notification of withdrawal in order to dissuade it from such a decision.

3. The Conference states that any notification of withdrawal should state clearly the extraordinary circumstances that have led the State in question to conclude that its supreme national interests have been jeopardized.

4. The Conference urges the Security Council upon receipt of a notification of withdrawal to meet promptly and identify steps to deal with the State's intention to withdraw, including addressing any security consequences of the intended withdrawal and, as appropriate, engaging the State intending to withdraw in a dialogue.

5. The Conference concludes that any NPT party withdrawing from the Treaty prior to remedying a violation of the Treaty should remain accountable for that violation.

6. The Conference believes that NPT parties should consider a wide range of actions in response to the withdrawal. The NPT Depositary States should meet to determine what role they might play in dealing with the situation.

7. The Conference states that the IAEA Board could convene to consider the consequences for IAEA safeguards of the possible NPT withdrawal by a State party, including possible retention of safeguards on nuclear equipment and material imported by that State prior to withdrawal.

8. The Conference notes that nuclear suppliers could meet to consider joint or unilateral actions. In addition to a cut-off of nuclear supply, supplier States could consider individual and/or joint action to monitor compliance with bilateral assurances that may pertain to nuclear material and equipment that had been supplied to the State prior to its withdrawal.

9. The Conference believes that NPT nuclear supplier States should, through appropriate means, seek a halt in the use of nuclear material and equipment previously supplied to the withdrawing State, and the elimination of such items or their return to the original supplier.

10. Another step that could be taken by States in a position to do so would be to focus intelligence and interdiction resources on the withdrawing State in an attempt to stop any clandestine procurement directed at the acquisition of a nuclear weapons capability.

NPT/CONF.2005/WP.60

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

25 May 2005

Original: English

New York, 2-27 May 2005

Strengthening the implementation of articles I and II of the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by the United States

The NPT is a key legal barrier against the spread of nuclear weapons and material related to the production of such weapons. The NPT is fundamentally a Treaty for mutual security. It is clear that the security of all member states depends on unstinting adherence to the Treaty's nonproliferation norms by all other parties. The Treaty's principal beneficiaries are those member states that do *not* possess nuclear weapons because they can be assured that their neighbors also do not possess nuclear weapons. Strict compliance with nonproliferation obligations is essential to regional stability, to forestalling nuclear arms races, and to preventing resources needed for economic development from being squandered in a destabilizing and economically unproductive pursuit of weapons.

Today, the Treaty is facing the most serious challenge in its history due to instances of noncompliance with its nonproliferation obligations. Although the vast majority of member states have lived up to these obligations, which constitute the Treaty's most important contribution to international peace and security, some have not. We must confront this challenge in order to ensure that the Treaty remains relevant. This Review Conference provides an opportunity for NPT States Parties to demonstrate resolve in reaffirming our collective determination that noncompliance with the Treaty's core nonproliferation norms is a clear threat to international peace and security.

The United States suggests the following language on Articles I and II for use in the Main Committee I report and any Review Conference Final Document

Articles I and II - Nonproliferation

1. The Conference declares that the NPT provides a key legal barrier to nuclear weapons proliferation and makes a critical contribution to international security. Parties must seek ways to strengthen the Treaty to ensure that it continues to play an effective role in promoting world peace and security.

2. The Conference notes that the NPT has faced a number of profound challenges since the last Review Conference due to non-compliance with the Treaty's nonproliferation obligations. This has undermined the

core objective of the NPT -- to prevent the spread of nuclear weapons -- and has decreased confidence in the nonproliferation regime and put at risk the security benefits of the Treaty.

3. The Conference recalls that the United Nations Security Council affirmed, in its 31 January 1992 Declaration and in U.N. Security Council Resolution 1540 of 28 April 2004, that proliferation of weapons of mass destruction constitutes a threat to international peace and security.

4. The Conference recognizes that NPT parties accede to the Treaty to enhance their security through each party's acceptance of nonproliferation obligations. These security benefits will be realized only so long as all parties comply with and enforce these obligations. Noncompliance threatens all parties and demands an effective response or there will be further erosion in security and in confidence in the NPT.

5. The Conference affirms the importance of the collective will of its parties to strengthen compliance with and enforcement of the Treaty's nonproliferation obligations. NPT parties that violate the Treaty's nonproliferation undertakings must be held accountable.

6. The Conference recognizes the need to persist in efforts to resolve ongoing cases of noncompliance, not only to remedy the security threat posed by these states, but also to demonstrate the international community's resolve and to deter others from following the violators' defiant behavior.

7. The Conference expresses concern with the appearance of clandestine international nuclear supply and procurement networks, including for the most sensitive technologies and weapons designs. The exposure of the A.Q. Khan network and the history of NPT violations involving enrichment and reprocessing clearly demonstrate that more needs to be done.

8. The Conference is concerned about the risk that certain states could acquire fissile material production capability and then violate or withdraw from the Treaty to pursue nuclear weapons.

9. The Conference considers that the crisis of noncompliance by Treaty parties threatens the security of all nations, including through the potential for terrorists to exploit these violations in their own pursuit of nuclear material for a radiological device or nuclear weapon.

10. The Conference urges NPT nuclear-weapon state parties to establish and enforce the controls necessary to ensure compliance with their Article I undertakings and to consult among themselves periodically in an effort to ensure the application of all necessary control measures.

11. The Conference urges NPT non-nuclear-weapon state parties to refrain from activities designed to develop a nuclear weapons capability, to ensure that the necessary national laws and regulations have been adopted and are being strictly enforced to comply with their NPT Article II undertaking, and to provide transparency sufficient to demonstrate that their nuclear programs conform with their nonproliferation obligations.

12. The Conference affirms the need for a high standard of compliance with Article II. It calls on all NPT parties to assess and enforce compliance with the prohibition on the manufacture and acquisition of nuclear weapons, as well as on the seeking and receiving of any assistance in the manufacture or acquisition of nuclear weapons. It urges NPT parties to identify and stop all such violations as early as possible, well before these activities result in the actual manufacture or acquisition of a nuclear weapon.

13. The Conference underlines, in that regard, that facts indicating that the purpose of a particular activity is the acquisition of a nuclear weapon would suggest noncompliance with Article II. Examples of activities indicative of noncompliance include clandestine facilities or procurement, willful IAEA safeguards violations, a pattern of deception and denial, and the pursuit of a nuclear program with no legitimate justification for peaceful purposes (e.g., the acquisition of enrichment or reprocessing facilities with no clear economic justification).

14. The Conference supports UN Security Council Resolution 1540, adopted on April 28, 2004 on preventing the proliferation of weapons of mass destruction and strengthening export controls and nuclear material security, and invites cooperation in its implementation including through the provision of assistance where possible and needed. It urges all states, as required by Resolution 1540, to adopt national legal and regulatory measures, including enforcement provisions with appropriate penalties for violations. This Resolution is particularly important in thwarting the activities of non-state actors that have contributed to NPT violations in recent years. The Conference calls on all NPT parties to ensure that their national legal systems reflect both the broad goals of the NPT and the specific requirements of Resolution 1540, and are adequate to ensure compliance by persons and entities within their jurisdiction.

15. The Conference recognizes the importance of the action by the United Nations General Assembly in adopting on April 13, 2005, the International Convention for the Suppression of Acts of Nuclear Terrorism. It believes this Convention will, when it enters into force, strengthen the international legal framework to combat nuclear terrorism and thus supplement the nonproliferation undertakings of the NPT. It urges nations to sign the Convention when it opens for signature on September 14, 2005, and to ratify and implement it as soon as possible.

16. The Conference supports coordinated activities, consistent with international law, to interdict shipments, whether to or from states or non-state actors, of WMD-related equipment, materials, and technology that are inconsistent with the NPT's nonproliferation principles. It stresses that the Proliferation Security Initiative and similar activities that are carried out consistent with national legal authorities and relevant international law, including UN Security Council decisions, provide an extra measure of enforcement of existing treaties and regimes including the NPT.

17. The Conference welcomes the ongoing effort to amend the UN Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and thus broaden the authority of the Convention to conduct maritime interdictions of WMD-related shipments. It considers this a useful effort toward expanding the tools available to thwart proliferation and urges all states to cooperate toward the goal of endorsing these amendments at a diplomatic conference scheduled for October 2005.

18. The Conference considers that NPT parties should foster an attitude of zero tolerance for violations and make clear in advance a willingness to invoke promptly strong measures in response to any noncompliance. It judges that such policies would decrease the risk of future violations and help restore international confidence in the viability of the nonproliferation regime.

19. The Conference encourages NPT parties to consider a wide range of responses to any noncompliance with the NPT and to take appropriate steps, including, but not limited to, a halt to nuclear cooperation with the offending state. NPT parties should, through appropriate means, seek a halt in the use of equipment or material acquired or produced as a result of a material violation of the NPT's nonproliferation obligations, and require the return of such items or their elimination.

20. The Conference recalls the role of the UN Security Council when cases of nuclear proliferation, including noncompliance with Articles I or II, are brought to its attention. The Council should act promptly in such circumstances to determine a response, particularly when a case constitutes a threat to international peace and security.

21. The Conference stresses that NPT violators can improve their standing in the international community by a return to strict compliance with the Treaty, implementation of the Additional Protocol, and the complete, verifiable and irreversible dismantling of any components supporting a nuclear weapons program.

22. The Conference believes that lifting of measures imposed on a noncompliant state should be strictly linked to verifiable actions that demonstrate over a period of time that the state has remedied the violation and that any remaining nuclear activities are fully consistent with its NPT obligations.

23. The Conference commends the government of Libya for its decision to abandon its nuclear weapons program and come back into compliance with the NPT.

NPT/CONF.2005/WP.61

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

27 May 2005

Original: English

New York, 2-27 May 2005

Working paper: "Security assurances" submitted to the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons by New Zealand on behalf of Brazil, Egypt, Ireland, Mexico, Sweden and South Africa as members of the New Agenda Coalition

1. INTRODUCTION

The Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons states that:

> "The Conference agrees that legally binding security assurances by the five nuclear-weapon States to the non-nuclear-weapon States to the Treaty on the Non-Proliferation of Nuclear Weapons strengthen the nuclear non-proliferation regime. The Conference calls upon the Preparatory Committee to make recommendations to the 2005 Review Conference on this issue."

Paragraph 8 of the 1995 Principles and Objectives for Nuclear Non-Proliferation and Disarmament states that:

> "Noting United Nations Security Council resolution 984(95), which was adopted unanimously on 11 April 1995, concerning both negative and positive security assurances, further steps should be considered to assure non-nuclear weapon States party to the Treaty against the use or threat of use of nuclear weapons. Theses steps could take the form of an internationally legally binding instrument."

The 1990 Review Conference draft Final Document stated in paragraph 7 under the heading Security Assurances, which, while the document as a whole did not achieve agreement, was consensus language, that:

> "The Conference recognises the need for effective international arrangements, that could be included in an international legally binding instrument, to assure non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons. The conclusion of an international instrument providing for such arrangements would strengthen the security of non-nuclear-weapon States parties to the Treaty and offer additional incentives to other non-nuclear-weapon States to

> adhere to the Treaty. Participation of all nuclear-weapon States, including those which are not parties to the Treaty, in such an instrument would contribute to ensuring its maximum effectiveness."

In the Advisory Opinion of the International Court of Justice on the "Legality of the Threat or Use by a State of Nuclear Weapons in Armed Conflict" it was decided unanimously that:

> "There is in neither customary nor conventional international law any specific authorisation of the threat or use of nuclear weapons" and that "A threat or use of force by means of nuclear weapons that is contrary to Article 2, paragraph 4, of the United Nations Charter, and that fails to meet all the requirements of Article 51, is unlawful."

2. PERSPECTIVE

The issue at stake is the granting of legally binding security assurances to the non-nuclear-weapon States parties of the NPT, thereby fulfilling the undertaking which should be given to the States which have voluntarily given up the nuclear-weapons option by becoming parties to the Treaty. The negotiation of legally binding security assurances within the NPT umbrella, as opposed to some other forum, would provide a significant benefit to the Treaty parties and would be seen as an incentive to those who remain outside the NPT. Security assurances rightfully belong to those who have given up the nuclear weapon option as opposed to those who are still keeping their options open. They would strengthen the nuclear non-proliferation regime and confirm the role of the NPT and its indefinite extension.

3. SECURITY ASSURANCES IN THE CONTEXT OF THE NPT

The issue of legally binding security assurances to non-nuclear-weapon States is a complex issue. Key questions that would need to be addressed are:

- Identification of the States providing the security assurances;
- Identification of the beneficiaries of such security assurances;
- The nature and scope of the security assurances being provided;
- Elements that would need to be included in a legally binding instrument on security assurances; and
- In what format such security assurances would be provided.

4. IDENTIFICATION OF THE STATES PROVIDING SECURITY ASSURANCES

The only States in a position to provide security assurances, in that they are legally in a position to possess nuclear weapons and thereby having the capacity to use or threaten to use nuclear weapons, are the nuclear-weapon States. Article IX (3) of the nuclear Non-Proliferation Treaty identifies and defines a nuclear weapon-State as a one "... which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967."

5. IDENTIFICATION OF THE BENEFICIARIES OF SECURITY ASSURANCES

United Nations Security Council Resolution 984(1995), acknowledges the legitimate interest of all non-nuclear-weapon States under the NPT to receive security assurances. This legitimate interest of all of the NPT's non-nuclear-weapon States is further acknowledged in the statements (S/1995/261, S/1995/262, S/1995/263, S/1995/264, S/1995/265) made by each of the nuclear-weapons States on the issue of security assurances.

6. THE NATURE AND SCOPE OF THE SECURITY ASSURANCES BEING PROVIDED

Security assurances comprise of negative and positive assurances. Negative security assurances are those in terms of which there is an undertaking by the nuclear-weapon States not to use or threaten to use nuclear weapons. Positive security assurances are those in terms of which there is an undertaking to provide assistance, in accordance with the United Nations Charter, to a State victim of an act of nuclear-weapons aggression or the object of a threat of such aggression.

A complicating factor in this regard, however, is that all non-nuclear-weapon States are not similar. Many of non-nuclear-weapon States parties to the NPT are members of security arrangements/alliances that rely on the nuclear capability of nuclear-weapon States as an integral part of their defence strategy. It is for this reason that in some of the abovementioned statements of the nuclear-weapon States (France, Russia, United Kingdom, United States) on security assurances, these assurances were qualified by to exclude cases of an invasion or any other attack on a nuclear-weapon State's territory, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

A further qualification included in some of the 1995 security assurance statements of the nuclear-weapon States (United Kingdom, United States) was that those assurances given emphasised that the assurances were not regarded as applicable if any beneficiary is in material breach of its own non-proliferation and disarmament obligations under the NPT. It is assumed that the material breach referred to here relates to instances where a non-nuclear-weapon-States party to the NPT is acquiring or developing nuclear weapons in contravention with the Treaty.

The negotiation of any internationally legally binding instrument on security assurances would need to take these factors into account. Should such elements be included in the agreement it would mean that, while all non-nuclear weapon States parties to the NPT are beneficiaries of security assurances, these assurances would in certain circumstances be qualified.

7. ELEMENTS THAT WOULD NEED TO BE INCLUDED IN AN INTERNATIONALLY LEGALLY BINDING INSTRUMENT ON SECURITY ASSURANCES

An internationally legally binding instrument would, inter alia, need to include the following elements:

- A general statement of the security assurances which are the subject of the instrument.
- The identification of the States providing the security assurances.
- The identification of the States beneficiary of the security assurances.
- Any qualifications to the security assurances provided for in the instrument.
- Provisions on the mandatory actions to be undertaken by the Security Council where a beneficiary of the security assurances are the subject of a threat of use or use of nuclear weapons.

8. THE FORMAT IN WHICH SECURITY ASSURANCES WOULD BE PROVIDED

Security assurances should be provided in the context of an internationally legally binding instrument, which could either be in the format of a separate agreement reached in the context of the nuclear Non-Proliferation Treaty, or as a protocol to the NPT. The arguments that declarations made by the nuclear-weapon States are sufficient or that these assurances should only be granted in the context of nuclear-weapon-free zones are not valid. The primary undertaking not to aspire to nuclear weapons has been made under the NPT; it is therefore in the context of or as a part of this Treaty that security assurances should also be given.

9. A DRAFT [PROTOCOL] [AGREEMENT]

A draft [Protocol] [Agreement] that demonstrates how security assurances could be encapsulated taking into account the contents of this paper is attached. This draft is attached on the understanding that any such [Protocol] [Agreement] would be the subject of intensive and detailed negotiations that would need to be agreed upon by consensus amongst all the States parties to the NPT. As such, it is further understood that all States parties would reserve, and exercise, the right to make proposals for changes, additions and/or deletions to the text, should it be considered as a possible basis for further work.

Annex

Draft [protocol] [agreement] on the prohibition of the use or threat of use of nuclear weapons against non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Preamble

The States party to this [Protocol] [Agreement],

Being also parties to the Treaty on the Non- Proliferation of Nuclear Weapons opened for signature in London, Moscow and Washington on 1 July 1968 (hereinafter called 'the Treaty'),

Convinced that every effort must be made to avoid and avert the danger of nuclear war, to prevent the spread of nuclear weapons, to facilitate international cooperation in the peaceful uses of nuclear energy with particular emphasis on the needs of developing countries, and reaffirming the crucial importance of the Treaty to these efforts, **(Taken from UNSCR 984(1995))**

Taking into consideration the legitimate concern of non-nuclear weapon States that, in conjunction with their adherence to the Treaty, further appropriate measures are undertaken to safeguard their security, **(Taken from UNSCR 984(1995))**

Agreeing that legally binding security assurances by the five nuclear weapon states to the non-nuclear weapon states parties to the Treaty strengthen the nuclear and non-proliferation regime, **(Taken from 2000 NPT Final Document)**

Recognising the legitimate interest of non-nuclear-weapon States parties to the Treaty to receive security assurances, **(Taken from UNSCR 984(1995))**

Reaffirming the need for all States party to the Treaty to comply fully with all their obligations, **(Taken from UNSCR 984(1995))**

Reaffirming also the importance of the Treaty and the need for the full implementation and achievement of all of its provisions,

Reaffirming furthermore that the Board of Governors of the International Atomic Energy Agency (IAEA) is responsible for the consideration of cases of non-compliance with IAEA safeguards agreements, **(IAEA Statute)**

Reaffirming that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons, **(Taken from 2000 NPT Final Document)**

Recalling the unequivocal undertaking by the nuclear- weapon States, in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all the States Parties to the Treaty are committed under Article VI of the Treaty, **(Taken from 2000 NPT Final Document)**

Have decided and hereby agree as follows:

Article I

1. The nuclear-weapon States party to this [Protocol] [Agreement] as defined in terms of Article IX (3) of the Treaty undertake not to use or threaten to use nuclear weapons against a non-nuclear-weapon State party to the Treaty.

2. The States party to this [Protocol] [Agreement] undertake, individually or collectively, to take appropriate measures in response to a request for political, military, technical, medical, scientific or humanitarian assistance from a non-nuclear-weapon State party to the Treaty which is a victim of the use of nuclear weapons. **(Taken from UNSCR 984(1995))**

Article II

1. The security assurance provided for in terms of Article I (1) of this [Protocol] [Agreement] shall be provided by the nuclear-weapon State parties as defined in terms of Article IX (3) of the Treaty.

2. The States receiving the security assurance provided for in terms of Article I (1) shall be non-nuclear-weapon State parties to the Treaty which are in compliance with their obligations under article II of the Treaty. **(Taken from security assurances statements by NWS of April 1995)**

3. The security assurance provided for in terms of Article I (1) shall cease to apply in the event of an invasion or any other armed attack on a nuclear-weapon State's territory, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State party to the Treaty in association or alliance with a nuclear-weapon State. **(Taken from security assurances statements by NWS of April 1995)**

Article III

1. The States party to this [Protocol] [Agreement] undertake to cooperate with the Security Council of the United Nations in the event of the use or threat of use of nuclear weapons. The Security Council shall consider measures in conformity with the Charter of the United Nations to address such an act or action. **(Taken from UNSCR 984(1995))**

Article IV

1. This [Protocol] [Agreement] shall be signed and shall be open for signature by any State party to the Treaty. It shall be subject to ratification.

2. This [Protocol] [Agreement] shall enter into force for each State party on the date of deposit of its instrument of ratification.

3. This [Protocol] [Agreement] shall be of unlimited duration and shall remain in force as long as the Treaty is in force.

4. This [Protocol] [Agreement] shall not be subject to reservations.

5. Any amendments to the [Protocol] [Agreement] proposed by a State party shall be carried out in accordance with the procedures of Article VIII (1) and (2) of the Treaty.

6. Each State party to the [Protocol] [Agreement] shall in exercising its national sovereignty have the right to withdraw from the [Protocol] [Agreement] in accordance with the provisions of Article X (1) of the Treaty.

7. The operation and effectiveness of this [Protocol] [Agreement] shall be reviewed at the Review Conferences of the Treaty.

Article V

1. Nothing in this [Protocol] [Agreement] shall be interpreted as in any way limiting or detracting from the obligations of any State under other agreements or treaties on the establishment of nuclear-weapon-free zones.

Article VI

1. This [Protocol] [Agreement], the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the Archives of the Depository Governments of the Treaty. Duly certified copies of this [Protocol] [Agreement] shall be transmitted by the Depository Governments to the Governments of the signatory States.

2. IN WITNESS WHEREOF the undersigned, duly authorised, have signed this [Protocol] [Agreement].

3. DONE in triplicate, at the cities of London, Moscow and Washington, the ... day of ...

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

27 May 2005

Original: English

New York, 2-27 May 2005

Amendments* submitted by the United States of America to the Chairman's working paper of Main Committee I (NPT/CONF.2005/MC.I/CRP.3) and the working paper of the Chairman of Subsidiary Body I (NPT/CONF.2005/MC.I/SB/CRP.4)

Chairman's working paper of Main Committee I

Paragraph 1:

Replace "the" before "cornerstone" with an "a". Replace the "the" before "essential" with "an". Replace the word "foundation" with "element". End the paragraph in the third line, after "disarmament".

Paragraph 2:

Delete the existing paragraph, and replace with the following:

> "In addition to the central purpose of the Treaty, namely non-proliferation, peaceful nuclear cooperation and disarmament also constitute important aspects of the Treaty to which all States Party remain committed."

Paragraph 3:

Delete the existing paragraph and replace with the following:

> "The Conference encourages NPT States Party to consider a wide range of responses, including national and mutually agreed multilateral arrangements, to non-compliance with Articles I, II or III of the Treaty. Such responses should include, but would not be limited to, a halt to nuclear cooperation with the offending States. Items acquired or produced as a result of a material violation of the NPT's non-proliferation undertakings should be eliminated or returned to the original supplier."

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* Paragraphs not referenced are acceptable.

Paragraph 4:

Add the following to the existing paragraph, as the final sentence:

"The Conference endorsed universal adherence to the IAEA Additional Protocol as a key standard by which to measure a Party's commitment to its non-proliferation obligations under the Treaty."

Articles I and II and preambular paragraphs 1 to 3

Paragraph 1:

End the paragraph in the second line, after the first appearance of the word "Treaty".

Paragraph 4:

Delete the last sentence.

Paragraph 5:

Delete the last sentence.

Paragraph 7:

Beginning in the second line, delete the text from the second "and" through "weapons" on the third line.

Add new paragraph 9:

> "The Conference deplores the fact that Iran and the Democratic People's Republic of Korea have sought to pursue nuclear weapons programmes behind the façade of allegedly peaceful nuclear programmes. It calls for rigorous measures to address this security risk to the Treaty and to maintain international confidence in peaceful nuclear cooperation among NPT States Party."

Add new paragraph 10:

> "The Conference endorses ongoing efforts by France, Germany, and the United Kingdom to reach a diplomatic solution to the Iranian nuclear problem. Given the history of documented clandestine nuclear weapons work in Iran, any solution must include the permanent cessation of Iran's enrichment and reprocessing efforts, as well as the dismantlement of Iranian equipment and facilities related to such activity. Iran must provide such objective and verifiable guarantees in order to demonstrate that it is not using a purportedly peaceful nuclear programme to hide a nuclear weapons programme, or to conduct additionally clandestine nuclear work elsewhere in the country."

Add new paragraph 11:

> "The Conference condemns the decision by the Democratic People's Republic of Korea to withdraw from the Treaty, and reaffirms the urgent need for the DPRK to completely dismantle all of its nuclear programmes in a comprehensive, prompt, transparent, verifiable, and irreversible manner. The Conference also underscores the importance of resolving the nuclear issue in the Korean Peninsula through diplomatic and peaceful means within the framework of the six-party talks."

Disarmament and non-proliferation education

Paragraph 1:

Beginning in the second line, delete the text from "ensure" through "and" on the third line.

Working paper of the Chairman of Subsidiary Body I

Article VI and the eighth to twelfth preambular paragraphs of the Treaty

Paragraph 2:

Delete in its entirety.

Paragraph 3:

Beginning on the first line, delete the text from "and" through "efforts" on the second line. Continuing on the second line, end the paragraph after "VI".

Paragraph 5:

Delete in its entirety.

Paragraph 6:

In the second line, end the paragraph after "Initiative", and make that word plural.

Paragraph 7:

Delete in its entirety.

Paragraph 8:

Delete in its entirety.

Paragraph 9:

Delete in its entirety.

Paragraph 11:

In the third line, after "IAEA" add "controls". On that same line, delete the text from "or" through "verification".

Paragraph 12:

In the second line, delete "agrees," and replace that work with the phrase, "encourages all States Party". In the third line, delete "on an annual basis".

Negative security assurances [Delete the word "Negative".]

Paragraph 2:

In the first line, replace "unilateral" with "individual". In the third line, end the paragraph after "Treaty".

Paragraph 3:

In the first line, replace "calls upon" with "welcomes that". Also in the first line, replace "to respect" with "are respecting". In the second line, end the paragraph after "assurances".

Paragraph 5:

In the second line, after "of," add "protocols to".

Paragraph 7:

Delete in its entirety.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

25 May 2005

Original: English

New York, 2-27 May 2005

Report of Main Committee I

Establishment and terms of reference

1. Pursuant to rule 34 of its rules of procedure, the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons established Main Committee I as one of its three Main Committees, and decided to allocate to it the following items for its consideration (see NPT/CONF.2005/DEC.1):

Item 16. Review of the operation of the Treaty:

(a) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security:

(i) Articles I and II and preambular paragraphs 1 to 3;

(ii) Article VI and preambular paragraphs 8 to 12;

(iii) Article VII, with specific reference to the main issues considered in this Committee;

(b) Security assurances:

(i) United Nations Security Council resolutions 255 (1968) and 984 (1995);

(ii) Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

Item 17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality. Additionally, the issue of disarmament and non-proliferation education was also dealt with under item 17.

Officers of the Committee

2. The Conference elected Ambassador Sudjadnan Parnohadiningrat (Indonesia) as the Chairman of the Committee, and Josef Vitek (Czech Republic) and Lew Kwang-chul (Republic of Korea) as Vice-Chairmen of the Committee.

Establishment of Subsidiary Body 1

3. At its 19th plenary meeting, on 18 May 2005, the Conference decided to establish, for the duration of the 2005 Review Conference, a subsidiary body under Main Committee I, which would focus on nuclear disarmament and security assurances (see NPT/CONF.2005/DEC.2). Furthermore, the Conference decided that the subsidiary body would be open-ended, that its meetings would be held in private and that the outcome of its work would be reflected in the report of Main Committee I to the Conference. The subsidiary body was chaired by Ambassador Tim Caughley (New Zealand).

4. Accordingly, Subsidiary Body 1 held two private meetings and a number of informal meetings between 19 and 24 May 2005. The outcome of its work is contained in paragraph 9 below.

Documents before the Committee

5. The following documents were submitted to the Conference on the items allocated to the Committee:

NPT/CONF.2005/3	Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by Switzerland
NPT/CONF.2005/4	Implementation of article VI: report submitted by the Islamic Republic of Iran
NPT/CONF.2005/7	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Canada
NPT/CONF.2005/8	Implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by Ukraine
NPT/CONF.2005/9	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Austria
NPT/CONF.2005/10	Implementation of article VI of the Nuclear Non-Proliferation Treaty pursuant to the Final Document of the 2000 Review Conference with particular reference to the 13 practical steps: report submitted by Argentina

NPT/CONF.2005/11*	Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and of paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by Spain
NPT/CONF.2005/13	Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by Australia
NPT/CONF.2005/14	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons and the 1995 resolution on the Middle East: report submitted by Morocco
NPT/CONF.2005/16	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Poland
NPT/CONF.2005/21	National report of Cuba on the implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.2005/22	Implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by the Republic of Korea
NPT/CONF.2005/23	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Lithuania
NPT/CONF.2005/24	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by the People's Republic of China
NPT/CONF.2005/26	Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, taking into account the conclusions in the Final Document of the 2000 Review Conference and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by the Netherlands
NPT/CONF.2005/27	Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by Turkey

NPT/CONF.2005/28	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by Latvia
NPT/CONF.2005/29	National report on the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons by the Russian Federation
NPT/CONF.2005/33	Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the principles and objectives for nuclear non-proliferation and disarmament adopted in 1995: national report of Mexico
NPT/CONF.2005/34	National report of Mexico on measures taken to implement the United Nations study on disarmament and non-proliferation education
NPT/CONF.2005/36	Implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by Norway
NPT/CONF.2005/37	National report of Guatemala as called for in the 2000 review of the operation of the Treaty on the Non-Proliferation of Nuclear Weapons, taking into account the decisions and the resolution adopted at the 1995 Review and Extension Conference of the Parties to the Treaty, with a focus on the implementation of article VI of the Treaty and paragraphs 3 and 4 (c) of the Decision adopted in 1995 on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by Guatemala
NPT/CONF.2005/38	Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by the Government of New Zealand
NPT/CONF.2005/39	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Hungary
NPT/CONF.2005/42	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Croatia
NPT/CONF.2005/43	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Brazil

NPT/CONF.2005/44	Implementation of article VI of the Treaty on Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by Nigeria
NPT/CONF.2005/45	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Indonesia
NPT/CONF.2005/46	Implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report by Sweden
NPT/CONF.2005/48	Implementation of article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament": report submitted by Italy
NPT/CONF.2005/WP.1	Verification of nuclear disarmament: final report on studies into the verification of nuclear warheads and their components: working paper submitted by the United Kingdom of Great Britain and Northern Ireland
NPT/CONF.2005/WP.2*	Nuclear disarmament and reduction of the danger of nuclear war: working paper submitted by China
NPT/CONF.2005/WP.7*	Security assurances: working paper submitted by China
NPT/CONF.2005/WP.8	Working paper presented by the members of the Group of Non-Aligned Movement States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.2005/WP.9	Article V, article VI and preambular paragraphs 8 to 12 [Comprehensive Nuclear-Test-Ban Treaty]: working paper for submission to Main Committee I and to Main Committee III by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.2005/WP.17	Procedural and other arrangements for the effective and successful outcome of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: working paper presented by the members of the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2005/WP.18	Substantive issues to be considered by Main Committee I of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: working paper presented by the members of the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.2005/WP.21**	Further measures to be taken for strengthening the Treaty on the Non-Proliferation of Nuclear Weapons, twenty-one measures for the twenty-first century: working paper submitted by Japan
NPT/CONF.2005/WP.22*	Working paper submitted by Japan
NPT/CONF.2005/WP.23	Working paper submitted by Norway: NPT — a dynamic instrument and core pillar of international security
NPT/CONF.2005/WP.24	Transparency, verification and irreversibility: essential principles in the process of nuclear disarmament: working paper by the Republic of Cuba
NPT/CONF.2005/WP.26	Proliferation security initiative: legal consequences from the standpoint of international law: working paper of the Republic of Cuba
NPT/CONF.2005/WP.27	Working paper on nuclear disarmament for Main Committee I: recommendations submitted by New Zealand on behalf of Brazil, Egypt, Ireland, Mexico, South Africa and Sweden as members of the New Agenda Coalition
NPT/CONF.2005/WP.30	Working paper on disarmament and non-proliferation education: submitted by Egypt, Hungary, Japan, Mexico, New Zealand, Peru, Poland and Sweden
NPT/CONF.2005/WP.31	Japan's efforts in disarmament and non-proliferation education: working paper submitted by Japan
NPT/CONF.2005/WP.34*	Further measures to be taken to strengthen the Treaty on the Non-Proliferation of Nuclear Weapons regime (Main Committee I issues): working paper submitted by Japan and Australia
NPT/CONF.2005/WP.35	Working paper submitted by Belgium, Lithuania, the Netherlands, Norway, Spain, Poland and Turkey for consideration at the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2005/WP.37	European Union common approach, Cooperative Threat Reduction-Global Partnership initiative: working paper submitted by Luxembourg on behalf of the European Union
NPT/CONF.2005/WP.38	Nuclear disarmament: working paper submitted by Canada
NPT/CONF.2005/WP.39	Achieving permanence with accountability: working paper submitted by Canada
NPT/CONF.2005/WP.41	Follow-up to the Advisory Opinion of the International Court of Justice on the *Legality of the Threat of Use of Nuclear Weapons*: legal, technical and political elements required for the establishment and maintenance of a nuclear-weapon-free world: working paper submitted by Malaysia, Costa Rica, Bolivia, Democratic Republic of Timor-Leste, Nicaragua and Yemen
NPT/CONF.2005/WP.42	Views on substantive issues of the 2005 Review Conference: working paper submitted by the Republic of Korea
NPT/CONF.2005/WP.43	Working paper based on the European Union statement for Main Committee I: submitted by Luxembourg on behalf of the European Union, the acceding countries Bulgaria and Romania, the candidate countries Croatia and Turkey, the countries of the Stabilization and Association Process and potential candidates Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, and Serbia and Montenegro, as well as Norway, member of the European Economic Area
NPT/CONF.2005/WP.47	Working paper submitted by the Islamic Republic of Iran for Main Committee I
NPT/CONF.2005/WP.49	Working paper by the Islamic Republic of Iran on negative security assurances
NPT/CONF.2005/WP.52	Note verbale dated 20 May 2005 from the Permanent Mission of Germany addressed to the Department for Disarmament Affairs
NPT/CONF.2005/WP.57	Strengthening implementation of article IV of the Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by the United States
NPT/CONF.2005/WP.58	Strengthening implementation of article III of the Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by the United States

NPT/CONF.2005/WP.59	Strengthening the implementation of article X of the Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by the United States
NPT/CONF.2005/WP.60	Strengthening the implementation of articles I and II of the Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by the United States

6. The following documents were submitted to the Committee on the items allocated to it:

NPT/CONF.2005/MC.I/WP.1	Fundamental elements proposed by the European Union, in conformity with Common Position adopted by the EU Council of Ministers, to be inserted in the Final Document of the 2005 NPT Conference concerning Main Committee I
NPT/CONF.2005/MC.I/WP.2	Issues to be considered by Main Committee I: working paper submitted by Nigeria
NPT/CONF.2005/MC.I/WP.3	Working paper submitted by Uganda
NPT/CONF.2005/MC.I/CRP.1	Strengthening the NPT regime: assessing comprehensive compliance and implementation: submitted by Mexico
NPT/CONF.2005/MC.I/CRP.2	Draft report of Main Committee I
NPT/CONF.2005/MC.I/CRP.3	Chairman's working paper of Main Committee I

7. The following documents were submitted to Subsidiary Body 1 of Main Committee I on the items allocated to it:

NPT/CONF.2005/MC.I/SB/CRP.1	Conference room paper submitted by Egypt
NPT/CONF.2005/MC.I/SB/CRP.2	Achievable and implementable measures towards nuclear disarmament, working paper presented by South Africa
NPT/CONF.2005/MC.I/SB/CRP.3	Text proposals to the papers of Subsidiary Body 1, Main Committee I, paper on nuclear disarmament, submitted by the Chinese delegation
NPT/CONF.2005/MC.I/SB/CRP.4	Working paper of the Chairman of Subsidiary Body 1

Work of the Committee

8. The Committee held six formal meetings and a number of informal meetings between 19 and 25 May 2005. An account of the discussions of the open meetings is contained in the relevant summary records (NPT/CONF.2005/MC.I/SR.1-4). After an initial general exchange of views on the agenda items allocated to it, the Committee considered proposals contained in the documents listed in paragraphs 5 to 7 above.

9. The Committee was not able to reach a consensus on the text of the Chairman's working paper of Main Committee I (NPT/CONF.2005/MC.I/CRP.3) and the Chairman's working paper of Subsidiary Body 1 (NPT/CONF.2005/MC.I/SB/CRP.4), as they do not reflect fully the views of all States parties. Nevertheless, the Committee agreed to annex the papers to this report.

Annex

Chairman's working paper of Main Committee I*

1. The Conference reaffirms that the Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone of the global nuclear non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament, in accordance with the relevant provisions of the Treaty.

2. The Conference underscores that the Treaty rests on three pillars: nuclear non-proliferation, nuclear disarmament and peaceful uses of nuclear energy and agrees that these pillars represent a set of interrelated and mutually reinforcing obligations and rights of States parties.

3. The Conference reaffirms that compliance and implementation of the Treaty need to be assessed comprehensively, taking into account all the pillars of the Treaty and the outcomes of the Review Conferences.

4. The Conference expresses its concern with cases of non-compliance with the provisions of the Treaty by States parties and reaffirms that the strict observance of the provisions of the Treaty remains central to achieving the shared objectives of preventing, under any circumstances, the further proliferation of nuclear weapons and preserving the Treaty's vital contribution to international peace and security. The Conference affirms the importance of strengthening compliance with and enforcement of the Treaty's obligations.

Articles I and II and preambular paragraph 1 to 3

1. The Conference welcomes the accession of Cuba, as well as of Timor-Leste as States Parties to the Treaty, which brings the Treaty closer into its universality.

2. The Conference urges three States that have not yet adhered to the Treaty — India, Israel and Pakistan — to accede promptly to the Treaty as non-nuclear-weapon States, without condition and without delay, and to place all their nuclear facilities under comprehensive IAEA safeguards. The Conference calls upon States not party to the NPT to refrain from acts which would defeat the object and purpose of the Treaty, and to take practical steps in support of the Treaty pending their accession to it as non-nuclear-weapon States.

3. The Conference emphasizes that the full and effective implementation of the Treaty is vital to international peace and security. The Conference reaffirms that each Article of the Treaty is binding on the respective States parties at all times and in all circumstances and that it is imperative that all States be held fully accountable with respect to the strict compliance with their obligations under the Treaty.

4. The Conference recognizes that the nuclear-weapon States parties to the Treaty reaffirmed their commitment not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices directly, or indirectly, and not in any way to assist, encourage or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices. The Conference calls upon the nuclear-weapon States to refrain

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* Previously issued as document NPT/CONF.2005/MC.I/CRP.3

from nuclear sharing for military purposes under any kind of security arrangements, among themselves, with non-nuclear-weapon States and with States not party to the Treaty.

5. The Conference recognizes that the non-nuclear-weapon States parties to the Treaty reaffirmed their commitment not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices, or of control over such weapons or explosive devices directly, or indirectly, not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices. The Conference also calls upon the non-nuclear-weapon States to refrain from any activities designed to develop nuclear weapons capability.

6. The Conference reaffirms the importance of transparency and making available an exchange of information, as appropriate, among States parties on measures related to the implementation and enforcement of their obligations under articles I and II.

7. The Conference expresses grave concerns over the risk that non-State actors may acquire nuclear weapons and their means of delivery and stresses that the most effective way to address this concern is the total elimination of nuclear weapons. In this connection, the Conference notes the adoption of Security Council resolution 1540 (2004) and General Assembly resolution 59/80 as measures to prevent non-State actors from acquiring such weapons.

8. The Conference encourages States parties to consider a wide range of measures against proliferation of nuclear weapons and their means of delivery in conformity with national legislation, the principles of international law and the Charter of the United Nations.

Item 17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality

The Conference recognizes the threat to international peace and security posed by proliferation of weapons of mass destruction and their means of delivery. In order to address such challenges, the Conference reaffirms its determination to preserve the integrity of and to implement fully the Treaty and to make efforts towards the achievement of the goal of universality of the Treaty.

Disarmament and non-proliferation education

1. The Conference recognizes that disarmament and non-proliferation education can ensure the continuation of institutional knowledge of those working on disarmament and non-proliferation issues and contribute to create understanding on such issues by the general public.

2. The Conference encourages States parties to undertake concrete activities to implement, as appropriate, the recommendations of the report of the United Nations Secretary-General on disarmament and non-proliferation education submitted by the Secretary-General to the General Assembly at its fifty-seventh session, and to voluntarily share information on efforts they have been undertaking in this area.

Working paper of the Chairman of Subsidiary Body 1*

Article VI and the eighth to twelfth preambular paragraphs of the Treaty

1. The Conference remains alarmed by the continued threat to humanity posed by the existence of nuclear weapons, reaffirms the need to make every effort to avert the danger to all mankind of nuclear war and nuclear terrorism and to take measures to safeguard the security of peoples.

2. The Conference recalls the Principles, Objectives and Undertakings for Nuclear Non-Proliferation and Disarmament including the principles of irreversibility, transparency, verifiability and undiminished security for all.

3. The Conference recalls the commitments to pursue effective measures and make systematic and progressive efforts to implement article VI including the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals, and other steps.

4. The Conference recognizes the importance of the Moscow Treaty and seeks sustained efforts to implement it, and urges its Parties to undertake the reductions by 2012 to the lowest target number of nuclear warheads and by agreed timetables.

5. Building upon the decisions taken at the 1995 and 2000 Review Conferences, the Conference urges more intensified progress by the nuclear-weapon States in reducing or continuing to reduce their non-strategic and strategic nuclear arsenals.

6. The Conference affirms the value of full implementation of the Presidential Nuclear Initiative and of the extension of such a mechanism to all States possessing non-strategic nuclear weapons.

7. Pending the achievement of nuclear disarmament, the Conference calls upon the nuclear-weapon States to resolve further to restrict the deployment of nuclear weapons, their operational readiness and their potential role as defined in national security doctrines.

8. The Conference calls on the nuclear-weapon States to forego any efforts to research and develop new types of nuclear weapons or other nuclear explosive devices.

9. In looking forward to the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty, the Conference welcomes efforts since 2000 against the testing of nuclear weapons or other nuclear explosive devices, including through maintenance of the existing moratoria, support for the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, progress made in developing the International Monitoring System, and the increased membership of the Treaty.

10. The Conference pledges urgent efforts, especially in the Conference on Disarmament, to pursue and implement options for enhanced multilateral and other action on nuclear disarmament, including compliance aspects, and appeals to all members of the Conference on Disarmament to demonstrate the necessary flexibility to enable adoption of a programme of work that will advance crucial NPT-related tasks.

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* Previously issued as document NPT/CONF.2005/MC.I/SB/CRP.4.

11. The Conference seeks affirmation by the nuclear-weapon States that they will place, as soon as practicable, fissile material designated as no longer required for weapons purposes under IAEA or other relevant international verification, and, welcoming work already undertaken on the development of verification capabilities for nuclear disarmament, urges that such work be initiated by those nuclear-weapon States not already doing so.

12. Reaffirming the importance of reporting, the Conference welcomes the reports and information submitted to the Conference and agrees to provide reports on implementation of article VI on an annual basis.

Negative security assurances

1. The Conference recognizes that assuring non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons works towards the Treaty's principle of easing international tension and strengthening trust between States, thereby advancing the non-proliferation goals of the Treaty.

2. The Conference recalls the unilateral declarations by the nuclear-weapon States as recognized by United Nations Security Council resolution 984 (1995) regarding the provision of security assurances for non-nuclear-weapon States Parties to the Treaty, and the expectations of the 1995 Review and Extension Conference and the 2000 Review Conference that further steps should be recommended to assure non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons.

3. The Conference calls upon the nuclear-weapon States to respect fully their existing commitments with regard to security assurances pending the conclusion of multilaterally negotiated legally binding security assurances for all non-nuclear-weapon States Parties.

4. The Conference reaffirms that the establishment of nuclear-weapon-free zones is an effective measure towards strengthening the nuclear non-proliferation regime, acknowledges that States that engage in creating such zones enhance regional and international security while increasing levels of mutual trust.

5. The Conference welcomes the readiness of nuclear-weapon States to provide future security assurances to non-nuclear-weapon States within the context of nuclear-weapon-free-zones, and encourages further steps to be taken to bring into effect the assurances provided by nuclear-weapons-free zone treaties and their protocols.

6. The Conference recognizes that assurances against the use or threat of use of nuclear weapons are conditional and not applicable if any beneficiary is in material breach of its own non-proliferation and disarmament obligations under the Treaty.

7. The Conference agrees on the need for further work, in the context of the strengthened review process, to be undertaken during the next review period on how security assurances would be encapsulated in a legally binding instrument with a view to endorsing the outcome of these deliberations at the 2010 NPT Review Conference.

NPT/CONF.2005/MC.I/WP.1

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

19 May 2005

Original: English

New York, 2-27 May 2005

Fundamental elements proposed by the European Union, in conformity with the Common Position adopted by the EU Council of Ministers, to be inserted in the Final Document of the 2005 NPT Conference concerning Main Committee I

The 2005 Review Conference:

Should reach consensus on the basis of the framework established by the NPT by supporting the Decisions and the Resolution adopted at the 1995 Review and Extension Conference and the final document of the 2000 NPT Review Conference, and shall bear in mind the current situation and shall promote inter alia the following essential issues, including:

Nuclear Disarmament

1. Undertakes efforts to preserve the integrity of the NPT and strengthen its implementation.
2. Recognizes that the NPT is a unique and irreplaceable multilateral instrument for maintaining and reinforcing international peace, security and stability, in that it establishes a legal framework for preventing increased proliferation of nuclear weapons and for developing further a verification system guaranteeing that non-nuclear-weapons States use nuclear energy solely for peaceful purposes, and that it represents the essential foundation for the pursuit of nuclear disarmament in accordance with Article VI thereof.
3. Works towards universal accession to the NPT.
4. Stresses the absolute necessity of full compliance with all the provisions of the NPT by all States Parties.
5. Calls on all States not party to the NPT to pledge commitments to non-proliferation and disarmament and calling on those States to become States Parties to the NPT as non-nuclear weapon States.
6. Recognizes that serious nuclear proliferation events have occurred since the end of the 2000 Review Conference.
7. Stresses, while acknowledging the nuclear arms reductions which have taken place since the end of the cold war, the need for an overall reduction in nuclear

arsenals in the pursuit of systematic and progressive efforts towards nuclear disarmament under Article VI of the NPT and welcome, in this context, the ratification of the Moscow Treaty by the Russian Federation and the United States of America in 2002, while stressing the need for more progress in reducing their arsenals.

8. Stresses the need to implement the declarations made by the Presidents of Russia and America in 1991 and 1992 on unilateral reductions in their stocks of non-strategic nuclear weapons and calling on all States with non-strategic nuclear weapons to include them in their general arms control and disarmament processes, with a view to their reduction and elimination.

9. Recognizes application of the principle of irreversibility to guide all measures in the field of nuclear disarmament and arms control, as a contribution to the maintenance and reinforcement of international peace, security and stability, taking these conditions into account.

10. Recognizes the importance, from the point of view of nuclear disarmament, of the programmes for the destruction and elimination of nuclear weapons and the elimination of fissile material as defined under the G-8 Global Partnership.

11. Pursues efforts to secure transparency, as voluntary confidence-building measure to support further progress in disarmament.

12. Since the Comprehensive Nuclear-Test-Ban Treaty (CTBT) forms an essential part of the nuclear disarmament and non-proliferation regime and with a view to its entry into force as soon as possible, without conditions, calls on States, particularly those listed in Annex II, to sign and ratify the said Treaty without delay and without conditions and, pending the entry into force of the said Treaty, calls on all States to abide by a moratorium and to refrain from any action contrary to the obligations and provisions of the Treaty. Highlights the importance of the work of the Comprehensive Nuclear-Test-Ban Treaty Organisation Preparatory Commission and actively supports the work of the Special Representative of the States which have ratified the Treaty charged with promoting universal accession to the Treaty.

13. Appeals again to the Conference on Disarmament for the immediate commencement and early conclusion of a non-discriminatory, universally applicable Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, without preconditions, and bearing in mind the special coordinator's report and the mandate included therein and, pending entry into force of the said Treaty, calls on all States to declare and uphold a moratorium on the production of fissile material for nuclear weapons or other nuclear explosive devices. Welcomes the action of those of the five nuclear weapon States which have decreed the relevant moratorium.

14. Calls on all States concerned to take appropriate practical measures in order to reduce the risk of accidental nuclear war.

15. Pursues consideration of the issue of security assurances to the non-nuclear weapon States Parties to the NPT.

16. Calls on nuclear weapon States to reaffirm existing security assurances noted by the United Nations Security Council resolution 984 (1995) and to sign and

ratify the relevant protocols on nuclear-weapon-free zones, drawn up following the requisite consultations, recognizing that Treaty-based security assurances are available to such zones.

General Disarmament

17. Stresses the need for general disarmament.

18. Highlights the importance of universal accession and implementation of the Biological and Toxin Weapons Convention (BTWC), the Chemical Weapons Convention (CWC) and the conventions, measures and initiatives contributing to conventional arms control.

19. Calls for universal accession to and effective implementation of The Hague Code of Conduct against Ballistic Missile Proliferation.

20. Works for the resolution of the problems of regional instability and insecurity and of the conflict situations which are often at the root of armament programmes.

NPT/CONF.2005/MC.I/WP.2

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

20 May 2005

Original: English

New York, 2-27 May 2005

Issues to be considered by Main Committee I

Working paper submitted by Nigeria

Nuclear disarmament

1. The Conference notes that the Treaty on the Non-Proliferation of Nuclear Weapons has contributed immensely to the maintenance of international peace and security since its entry into force in 1970, in particular through its remarkable success in controlling the spread of nuclear weapons to the 182 non-nuclear-weapon States Parties. States Parties emphasize the importance of, and agree to remain fully committed to, the full and effective implementation of the Treaty in all its aspects.

2. The Conference notes with regret that weapons of mass destruction, especially nuclear weapons, continue to pose the greatest danger to mankind and the survival of human civilization, more than 15 years after the end of Cold War. The need to implement nuclear disarmament and non-proliferation measures, therefore, continues to be a major challenge in the maintenance of international peace and security.

3. The Conference is deeply concerned about lack of progress by the nuclear-weapon States in fulfilling their obligations under Article VI towards achieving nuclear disarmament. The Conference further notes with grave concern that the NPT regime is being challenged as a result of the planned development of new types of nuclear weapon systems and the declared qualitative improvement in nuclear weapon technology as well as the emergence of new strategic doctrines that set out rationale for the use of these weapons. The Conference is further concerned that recent trends in nuclear-weapon States suggest an indication of resumption of nuclear arms race, and calls for a diminished role for nuclear weapons in security policies of the nuclear powers.

4. The Conference notes that the total number of nuclear weapons still in existence amounts to tens of thousands despite bilateral and unilateral reductions. The Conference believes that the process of bilateral efforts at nuclear disarmament can only be meaningful if it leads to complete nuclear disarmament and governed by the principles of verification, transparency, and irreversibility.

5. The Conference is convinced that effective disarmament and arms control, particularly in the nuclear field, are essential for the prevention of nuclear war and the strengthening of international peace and security as well as for economic and social advancement. States Parties, therefore, agree that the most effective means of achieving nuclear disarmament should be the commencement of multilateral negotiations leading to an early conclusion of a convention prohibiting the development, production, deployment, stockpiling, transfer, threat or use of nuclear weapons and on their total elimination. The Conference affirms that nuclear weapons are not necessary for national or international security.

6. The Conference considers that one of the greatest significance of NPT is its existence as the only legally binding international instrument that commits nuclear-weapon States to nuclear disarmament. Bearing this in mind, the Conference stresses the need for this Review Conference to build on the agreements and decisions reached at the 2000 Review Conference and the 1995 Review and Extension Conference. The Conference, therefore, fully endorses the consensus-based Final Document of 2000 Review Conference which continues to be recognized by the vast majority of the international community as a monumental achievement. The Conference underscores the need for nuclear-weapon States to fully implement the unequivocal undertaking made at that Review Conference to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, in particular, the 13 Practical Steps to advance systematically and progressively towards a nuclear-weapon-free world.

7. Lack of progress in the Conference on Disarmament on substantive issues before it over the past several years has reinforced a feeling of scepticism among non-nuclear-weapon States about the commitment of the nuclear-weapon States to nuclear disarmament. The Conference calls upon the Conference on Disarmament to agree on a work programme on substantive issues before it.

8. The Conference considers that a fissile material cut-off treaty (FMCT) could serve as both a disarmament and non-proliferation tool, thus embodying the very essence of NPT itself. In recognition of this fact, the Conference calls for the establishment of a subsidiary body in the Conference on Disarmament to begin negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile materials for nuclear weapons and other nuclear explosive devices.

9. The Conference underlines the importance of achieving the universality of the Treaty, particularly by accession to it as non-nuclear-weapon States and at the earliest possible date, of those States possessing nuclear weapons that still remain outside the Treaty. The Conference calls upon these States to place their nuclear facilities under comprehensive IAEA safeguards. The Conference also affirms that compliance by States Parties with their obligations under the Treaty may have a positive effect at universal acceptance of the Treaty in encouraging those States outside NPT to accede to it.

10. The Conference underlines the importance of total elimination of nuclear testing, and regrets that the Comprehensive Nuclear-Test-Ban Treaty (CTBT) has not entered into force in spite of its popularity as demonstrated by its signature by 175 States and ratification by 120 States. To this end, the Conference reiterates its strong support for CTBT which, it believes, should contribute to the process of nuclear disarmament. The Conference calls upon all States, in particular the

remaining 11 of the 44 States listed in Annex II to the Treaty that have not yet ratified it to do so as soon as possible so that it can enter into force without further delay. Pending its entry into force, States Parties agree that the existing moratorium on nuclear-weapon test explosions be maintained. The Conference affirms that observance of the existing moratorium on nuclear testing should not substitute for a comprehensive ban on nuclear-weapon testing.

Security assurances

11. Pending the total elimination of nuclear weapons, States Parties agree on the need for the establishment of a legally binding international instrument under which the nuclear-weapon States will undertake not to use or threaten to use nuclear weapons against non-nuclear-weapon States. The International Court of Justice had reinforced this principle in 1996 in its advisory opinion on the legality of the threat or use of nuclear weapons. By agreeing to the codification of these assurances in a binding international document, Member States will be establishing a vital confidence-building measure that could contribute in reducing the possibility of any propensity for acquisition of nuclear weapons by non-nuclear-weapon States. The Conference reaffirms that the total elimination of nuclear weapons remains the only absolute guarantee against the use or threat of use of nuclear weapons.

NPT/CONF.2005/MC.I/WP.3

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

20 May 2005

Original: English

New York, 2-27 May 2005

Working paper submitted by Uganda

1. Being located in the region that has been afflicted by terrorism, Uganda is concerned by the stockpiles of nuclear waste being dumped off the Indian Ocean coast of Somalia. The nuclear and toxic dump can very easily constitute an arsenal for the terrorists in their quest for weapons of mass destruction.

2. My delegation urges vigilance on the part of IAEA to ensure that this back-door nuclear proliferation is stopped from the source. Short of this, the clean-up effort will exert a lot of pressure on the resources of the East African Coastal States. This would be particularly further destabilizing for Somalia, which is currently struggling to once again establish herself as a centrally viable State.

NPT/CONF.2005/MC.II/1

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

25 May 2005

Original: English

New York, 2-27 May 2005

Report of Main Committee II

Establishment and terms of reference

1. Under rule 34 of its rules of procedure, the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons established Main Committee II as one of its three Main Committees and decided to allocate to it the following items for its consideration (see document NPT/CONF.2005/DEC.1):

Item 16. Review of the operation of the Treaty:

- (c) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones:
  - (i) Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7;
  - (ii) Articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV;
  - (iii) Article VII;

Item 17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

Additionally, institutional issues were also dealt with under agenda item 17.

2. Also, pursuant to rule 34 of its rules of procedure, the Conference approved the establishment of subsidiary body 2, under Main Committee II. The Conference decided that subsidiary body 2 would examine "Regional issues, including with respect to the Middle East and implementation of the 1995 Middle East resolution". It further decided that the subsidiary body would be open-ended and that the meetings of the subsidiary body would be held in private. The Conference decided that subsidiary body 2 would hold two meetings and a proportionally shared meeting within the overall time allocated to Main Committee II and that the outcome of the

work of the subsidiary body would be reflected in the report of Main Committee II to the Conference (NPT/CONF.2005/DEC.2).

Officers of the Committee

3. The Conference unanimously elected Ambassador László Molnár (Hungary) as the Chairman of the Committee and Ambassador Jorge Taiana (Argentina) and Ms. Saja Sattam Habes Majali (Jordan) as Vice-Chairpersons of the Committee.

4. Subsidiary body 2 was chaired by Ambassador Antonio Nuñez Garcia-Sauco (Spain).

Documents before the Committee

5. The Committee had before it the following documents that were relevant for the work of the Committee:

(a) Conference papers

NPT/CONF.2005/1	Final report of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.2005/15	Steps to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East: Compilation of reports
NPT/CONF.2005/41	Note verbale dated 17 May 2005 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

(b) Conference working papers

NPT/CONF.2005/WP.3*	Non-proliferation of nuclear weapons: working paper submitted by China
NPT/CONF.2005/WP.4	Nuclear-weapon-free zone: working paper submitted by China
NPT/CONF.2005/WP.5	Nuclear issues in the Middle East: working paper submitted by China
NPT/CONF.2005/WP.6	Peaceful uses of nuclear energy: working paper submitted by China
NPT/CONF.2005/WP.8	Working paper presented by the members of the Group of Non-Aligned Movement States parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2005/WP.10	Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7 (Compliance and verification): working paper for submission to Main Committee II by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.2005/WP.13	Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7 (Physical protection and illicit trafficking): working paper for submission to Main Committee II by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.2005/WP.14	Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7 (Export Controls): working paper for submission to Main Committee II by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.2005/WP.15	Multilateral nuclear supply principles of the Zangger Committee: working paper submitted by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America as members of the Zangger Committee
NPT/CONF.2005/WP.19	Substantive issues to be considered by Main Committee II of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: working paper presented by the members of the Group of Non-Aligned Movement States parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2005/WP.19/Corr.1	Substantive issues to be considered by Main Committee II of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: working paper presented by the members of the Group of Non-Aligned Movement States parties to the Treaty on the Non-Proliferation of Nuclear Weapons: Corrigendum
NPT/CONF.2005/WP.21**	Further measures to be taken for strengthening the Treaty on the Non-Proliferation of Nuclear Weapons: twenty-one measures for the twenty-first century: working paper submitted by Japan
NPT/CONF.2005/WP.22*	Working paper of Japan
NPT/CONF.2005/WP.23	Working paper submitted by Norway: NPT — a dynamic instrument and core pillar of international security
NPT/CONF.2005/WP.25	Peaceful uses of nuclear energy: working document submitted by Cuba
NPT/CONF.2005/WP.26	Proliferation security initiative: legal consequences from the standpoint of international law: working paper of Cuba
NPT/CONF.2005/WP.28	Tashkent statement of representatives of Central Asian States on the establishment of a nuclear-weapon-free zone in Central Asia (7-9 February 2005)
NPT/CONF.2005/WP.29	Note verbale dated 6 May 2005 from the Permanent Mission of Kazakhstan to the United Nations addressed to the Secretariat
NPT/CONF.2005/WP.35	Working paper submitted by Belgium, Lithuania, the Netherlands, Norway, Spain, Poland and Turkey for consideration at the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.2005/WP.36	Implementation of the 1995 resolution and 2000 outcome on the Middle East: working paper submitted by Egypt to Main Committee II
NPT/CONF.2005/WP.39	Achieving permanence with accountability: working paper submitted by Canada

NPT/CONF.2005/WP.40	The implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: working paper presented by Qatar on behalf of the States members of the League of Arab States
NPT/CONF.2005/WP.42	Views on substantive issues of the 2005 Review Conference: working paper submitted by the Republic of Korea
NPT/CONF.2005/WP.44	Working paper based on the European Union statement for Main Committee II submitted by Luxembourg on behalf of the European Union, the acceding countries Bulgaria and Romania, the candidate countries Croatia and Turkey, the countries of the Stabilization and Association Process and potential candidates Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, and Serbia and Montenegro, as well as Norway, member of the European Economic Area
NPT/CONF.2005/WP.46	Note verbale dated 10 May 2005 from the Permanent Mission of Mexico to the United Nations addressed to the President of the Conference
NPT/CONF.2005/WP.48	Working paper submitted by the Islamic Republic of Iran for Main Committee II
NPT/CONF.2005/WP.51	Enhanced strengthened review process for the Treaty: working paper submitted by the Netherlands
NPT/CONF.2005/WP.54	Note verbale dated 20 May 2005 from the Permanent Mission of Germany addressed to the Department for Disarmament Affairs
NPT/CONF.2005/WP.55	Note verbale dated 20 May 2005 from the Permanent Mission of Germany addressed to the Department for Disarmament Affairs
NPT/CONF.2005/WP.56	Note verbale dated 20 May 2005 from the Permanent Mission of Germany addressed to the Department for Disarmament Affairs
NPT/CONF.2005/WP.58	Strengthening the implementation of article III of the Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by the United States of America

(c) Documents submitted to Main Committee II:

(i) Working papers

NPT/CONF.2005/MC.II/WP.1	Fundamental elements proposed by the European Union, in conformity with the common position adopted by the European Union Council of Ministers, to be inserted in the final document of the 2005 Treaty on the Non-Proliferation of Nuclear Weapons Conference concerning Main Committee II
NPT/CONF.2005/MC.II/WP.2	Working paper submitted by Nigeria: nuclear-weapon-free zones
NPT/CONF.2005/MC.II/WP.3	Article VII: working document presented by Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan

(ii) Conference working papers

NPT/CONF.2005/MC.II/CRP.1	Indicative timetable for Main Committee II and subsidiary body 2
NPT/CONF.2005/MC.II/CRP.2	Report on the Middle East — pursuant to paragraph 16 (7) of the section on Article VII in the final document of the 2000 Treaty on the Non-Proliferation of Nuclear Weapons Review Conference — concerning the steps taken by France to promote the creation of a zone free of nuclear weapons as well as other weapons of mass destruction and the realization of the goals and objectives of the 1995 resolution on the Middle East
NPT/CONF.2005/MC.II/CRP.3	Report of Main Committee II: Chairman's draft
NPT/CONF.2005/MC.II/CRP.4	Draft report of Main Committee II

(d) Documents submitted to Main Committee II, subsidiary body 2

NPT/CONF.2005/MC.II/SB.2/CRP.1	Conference room paper submitted by the Chairman

Work of the Committee

6. The Committee held three plenary meetings and a fourth meeting, proportionally shared with subsidiary body 2, between 19 and 24 May 2005. An account of the discussions, which were held in public, is contained in the relevant summary records (NPT/CONF.2005/MC.II/SR.1-4). Subsidiary body 2 of Main Committee II held two meetings and a third meeting proportionally shared with Main Committee II, between 19 and 24 May. As the meetings of subsidiary body 2 were closed, there are no official records of those meetings. Main Committee II and subsidiary body 2 also held informal meetings and consultations during that period.

After an item-by-item consideration of the agenda items allocated to it, the Committee, both at its formal and informal meetings, proceeded to a detailed discussion of the proposals and documents before it. The various views expressed and proposals made are reflected in the summary records of the Committee and in the working papers submitted to it. Those summary records and working papers form an integral part of the report of the Committee to the Conference.

7. At the fourth meeting of Main Committee II, on 24 May 2005, Ambassador Antonio Nuñez Garcia-Sauco (Spain), as Chairman of subsidiary body 2, made an oral report to the Committee. Ambassador Nuñez stated that there was no consensus on the various proposals that he had tabled and that for the purposes of reporting to Main Committee II the outcome of the work of subsidiary body 2, he intended to issue a conference room paper under his own responsibility, giving an account of the status of the negotiations. The Committee took note of his report.

8. At the fourth meeting of Main Committee II, on 24 May 2005, the Chairman concluded that the Main Committee has not reached consensus to attach the Chairman's draft, as included in document NPT/CONF.2005/MC.II/CRP.3, to the final report of the Committee and to forward it to the Conference for further consideration. The Committee took note of the Chairman's statement and agreed to adopt its final report. Subsequently, the Chairman announced the work of Main Committee II to be concluded.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

27 May 2005

Original: English

New York, 2-27 May 2005

Report of Main Committee II

Establishment and terms of reference

Corrigendum

Paragraph 7

The last sentence *should read* The Committee took note of his oral report.

NPT/CONF.2005/MC.II/WP.1

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

20 May 2005

Original: English

New York, 2-27 May 2005

Fundamental elements proposed by the European Union, in conformity with the common position adopted by the European Union Council of Ministers, to be inserted in the final document of the 2005 NPT Conference concerning Main Committee II

The 2005 Review Conference:

Should reach consensus on the basis of the framework established by the NPT by supporting the Decisions and the Resolution adopted at the 1995 Review and Extension Conference and the final document of the 2000 NPT Review Conference, and shall bear in mind the current situation and shall promote inter alia the following essential issues, including:

Non-compliance with non-proliferation obligations

1. Recognises that serious nuclear proliferation events have occurred since the end of the 2000 Review Conference.

2. Stresses the need to strengthen the role of the UN Security Council, as final arbiter, in order that it can take appropriate action in the event of non-compliance with NPT obligations, in keeping with the Statute of the International Atomic Energy Agency (IAEA), including the application of safeguards.

Nuclear-weapon-free zones

3. Calls on all States in the region to make the Middle East into an effectively verifiable zone free of nuclear weapons and other weapons of mass destruction and their delivery systems, in keeping with the Resolution on the Middle East adopted at the 1995 Review and Extension Conference.

4. Since security in Europe is linked to security in the Mediterranean, the Conference gives top priority to implementation of the nuclear non-proliferation regime in that region.

5. Acknowledges the importance of nuclear-weapon-free zones for peace and security, on the basis of arrangements freely entered into between the States of the region concerned.

Nuclear terrorism

6. Stresses the need to do everything possible to prevent the risk of nuclear terrorism, linked to possible terrorist access to nuclear weapons or materials that could be used in the manufacture of radiological dispersal devices and, in this context, stresses the need for compliance with obligations under Security Council Resolution 1540 (2004). Calls for tighter security for high-activity radioactive sources. Supports G8 and IAEA action in this regard.

7. Recognises that, in light of the increased threat of nuclear proliferation and terrorism, the Proliferation Security Initiative, the Global Threat Reduction Initiative and the G8 Global Partnership Initiative should be approved.

IAEA Comprehensive Safeguards Agreements and Additional Protocols

8. Calls for universal accession to the Comprehensive Safeguards Agreements and Additional Protocols.

9. Recognises that Comprehensive Safeguards Agreements and Additional Protocols have a deterrent effect on nuclear proliferation and form today's verification standard, and continues to work for increased detectability of any violations of Treaty obligations.

10. Works for recognition by the IAEA Board of Governors that the conclusion of a Comprehensive Safeguards Agreement and an Additional Protocol is today's verification standard.

11. Highlights the IAEA's unique role in verifying States' compliance with their nuclear non-proliferation commitments and helping them, on request, to tighten up the security of nuclear materials and installations, and calls on States to support the Agency.

Export controls

12. Recognises the importance of appropriate effective export controls, in compliance with Security Council Resolution 1540 (2004) and in accordance with Article III.2 of the NPT.

13. Stresses the necessity to implement, at national level, effective export, transit, transhipment and re-export controls, including appropriate laws and regulations for that purpose.

14. Stresses the necessity to enact effective criminal sanctions to deter illegal export, transit, brokering, trafficking and related financing, in compliance with UNSC Resolution 1540 (2004).

15. Urges the Zangger Committee and the Nuclear Suppliers Group to share their experience on export controls, so that all States can draw on the arrangements of the Zangger Committee and the Nuclear Suppliers Group (NSG) guidelines.

16. Points to the need to strengthen the NSG Guidelines at an early date and to adapt them to new challenges in the field of non-proliferation.

Physical protection

17. Calls on the States Parties to the Convention on the Physical Protection of Nuclear Material to work for rapid conclusion of an amended Convention.

NPT/CONF.2005/MC.II/WP.2

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

20 May 2005

Original: English

New York, 2-27 May 2005

Working paper submitted by Nigeria

Nuclear-weapon-free zones

1. The Conference considers the establishment of nuclear-weapon free zones as important contribution by non-nuclear-weapon States in promoting the nuclear non-proliferation regime at regional levels. In particular, the Conference continues to consider the establishment of nuclear-weapon-free zones created by the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba as a positive step towards attaining the objective of global nuclear disarmament. The Conference stresses the importance of signature and ratification of the treaties of Rarotonga and Pelindaba and their Protocols by all the States that have not yet done so. The Conference welcomes the establishment of new nuclear-weapon-free zones in regions where they do not exist, on the basis of arrangements freely arrived at by the States in the regions concerned. In this regard, Conference welcomes the decision of all five Central Asian States to sign the Central Asian Nuclear-Weapon-Free Zone Treaty as soon as possible. The Conference takes notes of Mongolia's nuclear-weapon-free status as an important measure towards strengthening the non-proliferation regime in that region.

2. The Conference reaffirms the need for the establishment of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the region.

3. The Conference welcomes the first Conference of States Parties and Signatories of Treaties that establish Nuclear-Weapon-Free Zones that took place in Mexico from 26-28 April 2005 and the Declaration adopted at that Conference. States Parties affirm that the Conference should continue to enhance cooperation among the treaty zones and strengthen the nuclear-weapon-free zone regime thus contributing to disarmament and nuclear non-proliferation processes.

NPT/CONF.2005/MC.II/WP.2

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

20 May 2005

Original: English

New York, 2-27 May 2005

Working paper submitted by Nigeria

Nuclear-weapon-free zones

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NPT/CONF.2005/MC.II/WP.3

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

23 May 2005
English
Original: Russian

Article VII

Working paper submitted by the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan

1. Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan consider nuclear-weapon-free zones as a means for achieving the effective implementation of the Treaty on the Non-Proliferation of Nuclear Weapons. The Central Asian States are firmly convinced that the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among States concerned significantly promotes nuclear disarmament and non-proliferation at the regional and global levels. Recent trends in the world once again confirm the importance of the establishment and functioning of such zones in order to avert the dangers posed by nuclear weapons. On the basis of their understanding of this situation, the Central Asian States launched an initiative for the establishment of a nuclear-weapon-free zone in the region of Central Asia, which was set forth in the relevant provisions of the Almaty Declaration of 28 February 1997, the statement issued at Tashkent on 15 September 1997 by the Ministers for Foreign Affairs of the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan, and the Communiqué issued on 10 July 1998 by the Bishkek Consultative Meeting.

2. The 2005 Review Conference has notes with satisfaction the adoption by consensus by the United Nations General Assembly of resolution 52/38 S, of 9 December 1997, resolution 53/77 A, of 4 December 1998, resolution 55/33 W, of 20 November 2000, and resolution 57/69, of 22 November 2002, entitled "Establishment of a nuclear-weapon-free zone in Central Asia", in which the Assembly calls upon all States to support the initiative aimed at the establishment of a nuclear-weapon-free zone in Central Asia, commends the concrete steps taken by the States of the region in preparing the legal groundwork for their initiative, and requests the Secretary-General, within existing resources, to continue to provide assistance to the five Central Asian States in their further work for the early establishment of a nuclear-weapon-free zone in Central Asia.

3. The 2005 Review Conference also notes the concrete steps taken by the Central Asian States towards the implementation of their initiative. These steps have included the holding on 15 and 16 September 1997 of the Tashkent International Conference on Central Asia as a Nuclear-Weapon-Free Zone, and also meetings of

experts in Geneva, Bishkek, Sapporo, Samarkand and Tashkent. As a result of the Bishkek meeting, held on 9 and 10 July 1998 with the participation of the five nuclear-weapon States, the United Nations and the International Atomic Energy Agency (IAEA), substantial progress was made in the preparation of a draft treaty on the establishment of a nuclear-weapon-free zone in Central Asia.

4. The 2005 Review Conference recalls that the "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", agreed on at the 1995 NPT Review and Extension Conference stated that the development of nuclear-weapon-free zones should be encouraged as a matter of priority. In this context, it notes that the Final Document of the 2000 Review Conference (NPT/CONF.2000/28 (Parts I and II)) and the documents of the three sessions of the Preparatory Committee for the 2005 Conference of the Parties to the Treaty express support for the intentions and commitment of the five Central Asian States to establish a nuclear-weapon-free zone in their region, welcomes the practical steps that they have taken towards implementation of their initiative, and also notes with satisfaction the substantial progress made by the Central Asian States in drawing up and agreeing on a draft treaty on the establishment of a nuclear-weapon-free zone in Central Asia.

5. The 2005 Review Conference notes the substantial progress that has been made by the Central Asian States with the direct support of the United Nations, in particular the Secretary-General, the Department for Disarmament Affairs, the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific, the United Nations Office of Legal Affairs, and also the International Atomic Energy Agency, in the process of drawing up and agreeing on a draft treaty on the establishment of a nuclear-weapon-free zone in Central Asia.

6. The 2005 Review Conference notes that the Central Asian States also view the establishment of a nuclear-weapon-free zone in the region as an effective contribution to combating international terrorism and preventing nuclear materials and technologies from falling into the hands of non-state actors, primarily, terrorists.

7. The 2005 Review Conference, recalling the decisions adopted during the 1995 and 2000 Review Conferences, once again calls upon Governments and international organizations that have expertise in the field of the clean-up and disposal of radioactive contaminants to consider giving appropriate assistance to the States of the region as may be required for remedial purposes in their effected areas.

8. The 2005 Review Conference welcomes the outcome of the Tashkent meeting, held from 7 to 9 February 2005, which finalized the agreed draft treaty on a nuclear-weapon-free zone in Central Asia, and also the designation of the Government of the Kyrgyz Republic as depositary of the treaty. The Conference further notes that the early agreements on the treaty and its protocol reached by the Central Asian States at the Samarkand meeting in September 2002 were important in order to achieve consensus.

9. The 2005 Review Conference notes that the official and unofficial meetings on drawing up the texts of the treaty on a nuclear-weapon-free zone in Central Asia and the protocol to it were conducted with account taken of the principles and guidelines set forth by the Commission on Disarmament in the document entitled "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the corresponding region concerned".

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10. The 2005 Review Conference also welcomes the holding, in accordance with paragraph 25 of the principles and guidelines for the establishment of nuclear-weapon-free zones, adopted by the Disarmament Commission in 1999, of the two consultative meetings between experts from the Central Asian states and the five nuclear-weapon countries on the question of a treaty on the establishment of a nuclear-weapon-free zone in Central Asia and the protocol to it. These consultations, which took place in October and December 2002 in New York, were a continuation of the process of consultations with the nuclear-weapon States begun in 1998 at the Bishkek meeting of experts. The proposals and observations put forward during these three consultative meetings by the nuclear-weapon States were, to the extent possible, taken into account in the agreed text of the draft treaty on the establishment of a nuclear-weapon-free zone in Central Asia.

11. The 2005 Review Conference welcomes the sincere aspiration of the Central Asian States to sign, as speedily as possible, the treaty on the establishment of a nuclear-weapon-free zone in Central Asia.

NPT/CONF.2005/MC.III/1/Rev.1

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

25 May 2005

Original: English

New York, 2-27 May 2005

Report of Main Committee III

Establishment and terms of reference

1. Under rule 34 of its rules of procedure, the Conference established Main Committee III as one of its three Main Committees and decided to allocate to it the following items for its consideration (see document NPT/CONF.2005/DEC.1):

Item 16. Review of the operation of the Treaty:

- (d) Implementation of the provisions of the Treaty relating to the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II:
    - (i) Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5;
    - (ii) Article V;
- (e) Other provisions of the Treaty.

Item 17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

Officers of the Committee

2. The Conference elected Ambassador Elisabet Borsiin Bonnier (Sweden) as the Chairman of the Committee; Minister Counsellor Ilir Melo (Albania) and Ambassador Sylvester Rowe (Sierra Leone) served as Vice-Chairmen.

Establishment of subsidiary body 3

3. At its nineteenth plenary meeting, on 18 May 2005, the Conference decided to establish, for the duration of the 2005 Review Conference, a subsidiary body under

Main Committee III that would focus on other provisions of the Treaty, including article X (see document NPT/CONF.2005/DEC.2). Furthermore, the Conference decided that the subsidiary body would be open-ended, that its meetings would be held in private and that the outcome of its work would be reflected in the report of Main Committee III to the Conference. The subsidiary body was chaired by Ambassador Alfredo Labbe (Chile).

Documents before the Committee

4. The Committee had before it the following documents:

(a) Background and conference documents

NPT/CONF.2005/9	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Austria
NPT/CONF.2005/16	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Poland
NPT/CONF.2005/18	Report of the expert group on multilateral approaches to the nuclear fuel cycle submitted to the Director General of the International Atomic Energy Agency: submitted by the International Atomic Energy Agency
NPT/CONF.2005/23	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Lithuania
NPT/CONF.2005/24	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by China
NPT/CONF.2005/30	Agenda
NPT/CONF.2005/31	Statement by the President in connection with the adoption of the agenda (item 16)
NPT/CONF.2005/38	Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by the Government of New Zealand
NPT/CONF.2005/39	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Hungary
NPT/CONF.2005/42	Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: report submitted by Croatia
NPT/CONF.2005/WP.6	Peaceful uses of nuclear energy: working paper submitted by China

NPT/CONF.2005/WP.8	Working paper presented by the members of the Group of Non-Aligned Movement States parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.2005/WP.9	Article V, article VI and preambular paragraphs 8 to 12 [Comprehensive Nuclear-Test-Ban Treaty]: working paper for submission to Main Committee I and to Main Committee III by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.2005/WP.10	Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7 (Compliance and verification): working paper for submission to Main Committee II by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.2005/WP.11	Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5 (Cooperation in the peaceful uses of nuclear energy): working paper for submission to Main Committee III by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.2005/WP.12	Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5 (Approaches to the nuclear fuel cycle): working paper for submission to Main Committee III by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.2005/WP.13	Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7 (Physical protection and illicit trafficking): working paper for submission to Main Committee II by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden

NPT/CONF.2005/WP.14	Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7 (export controls): working paper for submission to Main Committee II by Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden
NPT/CONF.2005/WP.15	Multilateral nuclear supply principles of the Zangger Committee: working paper submitted by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, the Republic of Korea, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, the Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America as members of the Zangger Committee
NPT/CONF.2005/WP.16	Working paper on article X (NPT withdrawal) submitted by Australia and New Zealand
NPT/CONF.2005/WP.20	Substantive issues to be considered by Main Committee III of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: working paper presented by the members of the Group of Non-Aligned Movement States parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.2005/WP.21	Further measures to be taken for strengthening the Treaty on the Non-Proliferation of Nuclear Weapons: twenty-one measures for the twenty-first century: working paper submitted by Japan
NPT/CONF.2005/WP.22	Working paper of Japan
NPT/CONF.2005/WP.23	Working paper submitted by Norway
NPT/CONF.2005/WP.25	Peaceful uses of nuclear energy: working document submitted by Cuba
NPT/CONF.2005/WP.32	Withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons working paper submitted by Luxembourg on behalf of the European Union

NPT/CONF.2005/WP.33	Multilateral nuclear fuel cycle arrangements: working document submitted by Argentina
NPT/CONF.2005/WP.35	Working paper submitted by Belgium, Lithuania, the Netherlands, Norway, Spain, Poland and Turkey for consideration at the 2005 Treaty on the Non-Proliferation of Nuclear Weapons Review Conference
NPT/CONF.2005/WP.42	Views on substantive issues of the 2005 Review Conference: working paper submitted by the Republic of Korea
NPT/CONF.2005/WP.45	Working paper based on the European Union statement for Main Committee III submitted by Luxembourg on behalf of the European Union, the candidate countries, Bulgaria, Romania, Turkey and Croatia and countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Serbia and Montenegro
NPT/CONF.2005/WP.50	Peaceful uses of nuclear energy: working paper submitted by the Islamic Republic of Iran for Main Committee III
NPT/CONF.2005/WP.56	Note verbale dated 20 May 2005 from the Permanent Mission of Germany addressed to the Secretary-General of the Conference
NPT/CONF.2005/WP.58	Strengthening the implementation of article III of the Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by the United States of America
NPT/CONF.2005/WP.59	Strengthening the implementation of article X of the Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by the United States of America

(b) Documents submitted to the Committee

NPT/CONF.2005/MC.III/ WP.1	Working paper submitted by the European Union
NPT/CONF.2005/MC.III/ WP.2	Issue to be considered by Main Committee III: working paper submitted by Nigeria
NPT/CONF.2005/MC.III/WP.3	Environmental consequences of uranium mining: working paper submitted by Kazakhstan, Tajikistan, Turkmenistan, Uzbekistan and the Kyrgyz Republic
NPT/CONF.2005/MC.III/WP.4	Working paper for submission to Main Committee III by the Marshall Islands

NPT/CONF.2005/MC.III/WP.5	Working paper submitted by Iceland, Lithuania, Norway and Sweden
NPT/CONF.2005/MC.III/CRP.1	Proposal by Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago
NPT/CONF.2005/MC.III/CRP.2	Draft report of Main Committee III
NPT/CONF.2005/MC.III/CRP.3	Egypt subsidiary body to Main Committee III: universality of the Treaty
NPT/CONF.2005/MC.III/CRP.4	Draft report of Main Committee III

Work of the Committee

5. The Committee held four meetings and the subsidiary body held two meetings, between 19 and 25 May 2005. An account of the discussion of the public meetings is contained in the relevant summary records (NPT/CONF.2005/MC.III/SR...). After an initial general exchange of views on all issues of concern to Main Committee III, it considered proposals contained in the documents listed in paragraph 4 above.

6. The Main Committee focused on articles III (3) and IV, preambular paragraphs 6 and 7 of the Treaty, and the subsidiary body focused on articles IX and X of the Treaty. No consensus was found.

NPT/CONF.2005/MC.III/WP.1

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

19 May 2005

Original: English

New York, 2-27 May 2005

Working paper submitted by the European Union

Fundamental elements proposed by the European Union, in conformity with the Common Position adopted by the EU Council of Ministers, to be inserted in the Final Document of the 2005 NPT Conference concerning Main Committee III

The 2005 Review Conference:

Should reach consensus on the basis of the framework established by the NPT by supporting the Decisions and the Resolution adopted at the 1995 Review and Extension Conference and the final Document of the 2000 NPT Review Conference, and shall bear in mind the current situation and shall promote inter alia the following essential issues, including:

Peaceful uses of nuclear energy

1. Recognizes the right of States Parties to the NPT to nuclear energy for peaceful purposes, in accordance with Article IV thereof, with due regard for Articles I, II and III of the Treaty.

2. Notes that the States Parties to the NPT may, pursuant to Article IV thereof, have resort to peaceful uses of nuclear energy, inter alia in the area of production of electricity, industry, health and agriculture.

3. Urges the formulation of guarantees of access to nuclear fuel services, or to fuel itself, subject to appropriate conditions.

4. Notes the report of the IAEA's expert group on Multilateral Nuclear Approaches to the Nuclear Fuel cycle and promotes an early start to its scrutiny by the IAEA.

5. Calls for nuclear cooperation to be suspended where the IAEA is not able to provide adequate assurances that a State's nuclear programme is designed exclusively for peaceful purposes, until such time as the Agency is able to provide such assurances.

Nuclear terrorism

6. Stresses the need to do everything possible to prevent the risk of nuclear terrorism, linked to possible terrorist access to nuclear weapons or materials that could be used in the manufacture of radiological dispersal devices and, in this context, stresses the need for compliance with obligations under Security Council resolution 1540 (2004). Calls for tighter security for high activity radioactive sources. Supports G8 and IAEA action in this regard.

Nuclear safety

7. Underlines the importance of continuing international cooperation in order to strengthen nuclear safety, safe waste management and radiological protection and calls upon States that have not yet done so to accede to all the relevant conventions as soon as possible and to implement fully the ensuing commitments.

Withdrawal from the Treaty

8. Draws attention to the potential implications for international peace and security of withdrawal from the NPT. Urges the adoption of measures to discourage withdrawal from the said Treaty.

NPT/CONF.2005/MC.III/WP.2

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

20 May 2005

Original: English

New York, 2-27 May 2005

Working paper submitted by Nigeria

Issues to be considered by Main Committee III

Peaceful uses of nuclear energy

1. The Conference underlines the important role of the IAEA in assisting developing countries in the peaceful uses of nuclear energy by developing relevant programmes and providing a framework for cooperation in that regard. The Conference recognizes that the application of nuclear energy for peaceful purposes plays an important role in the socio-economic development of developing countries. The Conference, therefore, reaffirms the inalienable right of States Parties to NPT to engage in research, production and use of nuclear energy for peaceful purposes without discrimination, and the right to unimpeded and non-discriminatory transfer of nuclear technology for peaceful purposes.

2. States Parties agree that the right to peaceful uses of nuclear energy will be preserved and respected unconditionally, and that their actions in this matter will always be in conformity with Articles III, IV and V of the Treaty. States Parties further agree to make every effort to ensure that IAEA has the financial and human resources necessary to effectively meet its responsibilities towards assisting developing countries in developing nuclear energy for peaceful purposes.

3. The States Parties reaffirm their commitment to IAEA safeguards system and the achievement of its universal application. The Conference urges all States that have not yet done so to sign comprehensive safeguards agreement with IAEA and place any nuclear facilities under its safeguard arrangement. In this connection, the Conference underscores the need for all States Parties to honour their obligations under Article III of the Treaty.

Dumping of radioactive waste

4. The Conference attaches great importance to resolution 58/60 of the General Assembly on the Prohibition of the Dumping of Radioactive Wastes, and calls upon States to take appropriate measures to prevent any dumping of nuclear or radioactive wastes that would infringe upon the sovereignty of States. In this regard, the Conference recalls the resolution adopted by the Council of Ministers of the Organization of African Unity in 1991 (CM/Res.1356 (LIV)) on the Bamako

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Convention on the Ban on the Import of Hazardous Wastes into Africa and on the Control of Their Transboundary Movement within Africa. The Conference calls for effective implementation of the Code of Practice on the International Transboundary Movement of Radioactive Waste of the IAEA as a means of enhancing the protection of all States from dumping of radioactive wastes on their territories.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

20 May 2005

Original: English

New York, 2-27 May 2005

Environmental consequences of uranium mining

Working paper submitted by the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan, and the Republic of Uzbekistan

I. **Background**: The report of Main Committee III of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons notes, that there have been exceptional instances in which serious environmental consequences have resulted from uranium mining and associated nuclear fuel-cycle activities in the production and testing of nuclear weapons. Similar language is contained in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

II. **Recommendations**: We recommend that the 2005 NPT Review Conference reiterate the call made at the 1995 and 2000 Conferences upon all international organizations that have expertise in the field of clean-up and disposal of radioactive contaminants to consider giving appropriate assistance, as may be requested, for radiological assessment and remedial purposes in these affected areas, while noting the efforts that have been made to date in this regard.

NPT/CONF.2005/MC.III/WP.4

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

20 May 2005

Original: English

New York, 2-27 May 2005

Working paper for submission to Main Committee III by the Republic of the Marshall Islands

The Republic of the Marshall Islands proposes that the following be included in the report of Main Committee III and the Final Document of the Review Conference.

Noting that people and environments have been adversely affected by the testing of nuclear weapons within the boundaries of a United Nations Trust Territory, the Conference calls upon all Governments and international organizations that have expertise in the field of clean-up and disposal of radioactive contaminants, as well as health-care delivery for populations exposed to radiation, to give appropriate assistance, as may be requested, for radiological assessment and remedial purposes in affected areas, while noting the efforts that have been made to date in this regard.

Furthermore, responsible Governments must take the necessary steps to provide adequate health care, clean-up, radiation protection for the public, and compensation, in view of changed circumstances, to affected and displaced human populations as well as the needed restoration of economic productivity of areas that were subject to nuclear testing.

NPT/CONF.2005/MC.III/WP.5

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

20 May 2005

Original: English

New York, 2-27 May 2005

Combating the risk of nuclear terrorism by reducing the civilian use of highly enriched uranium

Working paper submitted by Iceland, Lithuania, Norway and Sweden

1. The threat of nuclear terrorism constitutes a growing danger to international peace and security, a concern that is reflected in United Nations Security Council resolution 1540 (2004) and the International Convention on the Suppression of Acts of Nuclear Terrorism (2005). Highly enriched uranium (HEU) is of particular concern in this context, due to the technical feasibility of constructing a crude nuclear explosive device from HEU, making it a possible choice for a terrorist group/non-State actor. This has already been pointed out at this Conference inter alia by IAEA's Director General Dr. Mohamed ElBaradei, in his opening address.

2. The highest priority should therefore be given to impede access by non-State actors to HEU. This material can currently be found in a large number of countries around the world. Measures to secure and eliminate HEU are currently under way as part of commendable international initiatives, such as the G-8 Global Partnership and Global Threat Reduction Initiative. Further action, however, is required to reduce the possibility that terrorist groups could gain access to HEU.

3. HEU is not required for the generation of civilian nuclear power. Currently, HEU is used for civilian purposes as a fuel for research and propulsion reactors, in critical assemblies and as the source of certain short-lived isotopes, which are produced by bombarding HEU targets. In most of these cases, however, low-enriched uranium (LEU) can be substituted for HEU, or other techniques can be applied to achieve the required results.

4. In an effort to reduce the dangers of nuclear terrorism, we recommend that this Conference:

(a) Encourage all countries to consider, and if deemed necessary, implement additional measures to protect and control existing HEU stocks;

(b) Express the view that minimizing the use of and commerce in HEU for civilian purposes is desirable, as is the goal of total elimination of HEU in the civilian nuclear sector as soon as technically feasible;

(c) Encourage all countries to eliminate or commit to converting those civilian HEU-fuelled installations under their control, for which there is a continuing need, to LEU fuels as soon as technically feasible;

(d) Discourage all countries from undertaking or supporting new civilian projects involving HEU fuel other than for the purpose of down-blending that fuel to LEU;

(e) Encourage the IAEA to establish a comprehensive global inventory of HEU in civilian use and to report to the next NPT Review Conference on the progress made in fuel conversion and in the elimination of reactors and critical assemblies internationally.

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

26 May 2005

Original: English

New York, 2-27 May 2005

Draft final document of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Organization and work of the Conference

Introduction

1. At its fifty-sixth session, the General Assembly, in its resolution 56/24 O of 29 November 2001, took note of the decision of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons, following appropriate consultations, to hold the first session of the Preparatory Committee for the 2005 Review Conference in New York from 8 to 19 April 2002.

2. Accordingly, the Committee held its first session in New York from 8 to 19 April 2002. Following the decision taken at that session, the Committee held its second session at Geneva from 28 April to 9 May 2003 and its third session in New York from 26 April to 7 May 2004. Reports covering the first two sessions of the Committee were issued, respectively, as documents NPT/CONF.2005/PC.I/21 and Corr.1 and NPT/CONF.2005/PC.II/50.

3. The final report of the Preparatory Committee, adopted on 7 May 2004 (NPT/CONF.2005/1), was issued as a document of the Conference prior to its opening. The report included, inter alia, the draft rules of procedure.

Organization of the Conference

4. In accordance with the decision of the Preparatory Committee, the Conference was opened on 2 May 2005 at United Nations Headquarters by the Chairman of the third session of the Preparatory Committee, Mr. Sudjadnan Parnohadiningrat (Indonesia). At its first plenary meeting, on 2 May 2005, the Conference elected by acclamation Mr. Sérgio de Queiroz Duarte (Brazil) as its President. The Conference unanimously confirmed the nomination of Mr. Jerzy Zaleski, Department for Disarmament Affairs of the United Nations Secretariat, as Secretary-General of the Conference.

5. Also at its first plenary meeting, Mr. Kofi A. Annan, Secretary-General of the United Nations, and Mr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency, addressed the Conference.

6. At the same meeting, the Conference adopted its rules of procedure as recommended by the Preparatory Committee (NPT/CONF.2005/1, annex III).

7. The rules of procedure provided for the establishment of a General Committee, three Main Committees, a Drafting Committee and a Credentials Committee.

8. The Conference unanimously elected the Chairmen and Vice-Chairmen of the three Main Committees, the Drafting Committee and the Credentials Committee, as follows:

Main Committee I

Chairman:
Mr. Sudjadnan Parnohadiningrat (Indonesia)

Vice-Chairmen:
Mr. Josef Vitek (Czech Republic)
Mr. Lew Kwang-chul (Republic of Korea)

Main Committee II

Chairman:
Mr. László Molnár (Hungary)

Vice-Chairmen:
Mr. Jorge Taiana (Argentina)
Ms. Saja S. Majali (Jordan)

Main Committee III

Chairman:
Ms. Elisabet Borsiin Bonnier (Sweden)

Vice-Chairmen:
Mr. Ilir Melo (Albania)
Mr. Sylvester Rowe (Sierra Leone)

Drafting Committee

Chairman:
Mr. Doru Romulus Costea (Romania)

Vice-Chairmen:
Mr. Kjetil Paulsen (Norway)
Mr. Adel Ibrahim (Egypt)

Credentials Committee

Chairman:
Mr. Philip Owade (Kenya)

Vice-Chairmen:
Mr. Ivan Piperkov (Bulgaria)
Ms. Deborah Panckhurst (New Zealand)

9. The Conference also unanimously elected 34 Vice-Presidents from the following States parties: Algeria, Australia, Austria, Bangladesh, Belgium, Canada, Chile, China, Cuba, Czech Republic, Egypt, France, Gabon, Germany, Iran (Islamic Republic of), Italy, Jamaica, Japan, Kuwait, Lithuania, Luxembourg, Malaysia, Mexico, Philippines, Poland, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, the former Yugoslav Republic of Macedonia, Uganda, United Kingdom of Great Britain and Northern Ireland and Zambia.

10. The Conference appointed representatives from the following States parties as members of the Credentials Committee: Croatia, Guyana, Kazakhstan, Malta, Serbia and Montenegro, and Switzerland.

Agenda

11. At its 14th plenary meeting, the Conference adopted its agenda (NPT/CONF.2005/30), as follows:

1. Opening of the Conference by the Chairman of the third session of the Preparatory Committee.
2. Election of the President of the Conference.
3. Statement by the President of the Conference.
4. Address by the Secretary-General of the United Nations.
5. Address by the Director General of the International Atomic Energy Agency.
6. Submission of the final report of the Preparatory Committee.
7. Adoption of the rules of procedure.
8. Election of Chairmen and Vice-Chairmen of the Main Committees, the Drafting Committee and the Credentials Committee.
9. Election of Vice-Presidents.
10. Credentials of representatives to the Conference:
    - (a) Appointment of the Credentials Committee;
    - (b) Report of the Credentials Committee.
11. Confirmation of the nomination of the Secretary-General.
12. Adoption of the agenda.
13. Programme of work.

14. Adoption of arrangements for meeting the costs of the Conference.

15. General debate.

16. Review of the operation of the Treaty:*

   (a) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security:

      (i) Articles I and II and preambular paragraphs 1 to 3;

      (ii) Article VI and preambular paragraphs 8 to 12;

      (iii) Article VII, with specific reference to the main issues in (a) and (b);

   (b) Security assurances:

      (i) United Nations Security Council resolutions 255 (1968) and 984 (1995);

      (ii) Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

   (c) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones:

      (i) Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7;

      (ii) Articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV;

      (iii) Article VII;

   (d) Implementation of the provisions of the Treaty relating to the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II:

      (i) Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5;

      (ii) Article V;

   (e) Other provisions of the Treaty.

17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

18. Reports of the Main Committees.

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* See NPT/CONF.2005/31.

19. Consideration and adoption of Final Document(s).

20. Any other business.

12. In connection with item 16 of the agenda, the President made the following statement (NPT/CONF.2005/31):

> "It is understood that the review will be conducted in the light of the decisions and the resolution of previous Conferences, and allow for discussion of any issue raised by States parties."

13. Subsequently, the representative of Malaysia made a statement on behalf of the Group of Non-Aligned States parties to the NPT which reflects the basis of the Group's agreement to the agenda as contained in NPT/CONF.2005/32.

14. Furthermore, the representative of the United Kingdom made a statement on behalf of the Group of Western European and Other States as contained in NPT/CONF.2005/SR.14, regarding the adoption of the agenda.

15. No other statement was made regarding the adoption of the agenda.

16. At its 19th plenary meeting, the Conference adopted the allocation of items to the three Main Committees of the Conference (NPT/CONF.2005/DEC.1).

17. In accordance with rule 34 of the rules of procedure, the Conference decided to establish, for the duration of the 2005 Review Conference, subsidiary body 1, subsidiary body 2 and subsidiary body 3 under Main Committee I, Main Committee II and Main Committee III, respectively. It decided that the subsidiary bodies would be open-ended, hold meetings within the overall time allocated to the Main Committees, be held in private, and that the outcome of their work would be reflected in the report of their respective Main Committees to the Conference (NPT/CONF.2005/DEC.2).

18. Subsidiary body 1 was chaired by Mr. Tim Caughley (New Zealand) and focused on nuclear disarmament and security assurances.

19. Subsidiary body 2 was chaired by Mr. Antonio Nuñez Garcia-Sauco (Spain) and examined the "regional issues, including with respect to the Middle East and implementation of the 1995 Middle East resolution".

20. Subsidiary body 3 was chaired by Mr. Alfredo Labbé (Chile) and addressed agenda item 16 (e) entitled "Other provisions of the Treaty", including Article X.

21. In connection with the adoption of the decision on subsidiary bodies, the President made the following declaration:

> "It is understood that each of the three Main Committees will allocate within themselves time to their subsidiary bodies in a balanced manner based on the proportional ratio applied in the last Review Conference."

Participation in the Conference

22. A total of 150 States parties to the Treaty on the Non-Proliferation of Nuclear Weapons participated in the Conference, as follows: Afghanistan, Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Bosnia and

Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Holy See, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyz Republic, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe.

23. In accordance with subparagraph 1 (b) of rule 44, Palestine was granted observer status.

24. The United Nations and IAEA participated in the Conference in accordance with paragraph 2 of rule 44.

25. In accordance with paragraph 3 of rule 44, the African Union, the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the European Community, the International Committee of the Red Cross, the League of Arab States, the NATO Parliamentary Assembly, the Organisation for the Prohibition of Chemical Weapons, the Organization of the Islamic Conference and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization were granted observer agency status. Furthermore, the following observer agencies were invited to submit their views in writing so that they could be circulated as conference documents: the League of Arab States, the Organisation for the Prohibition of Chemical Weapons, the Organization of the Islamic Conference and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization.

26. One hundred and nineteen (119) research institutes and non-governmental organizations attended the Conference, in accordance with paragraph 4 of rule 44.

27. A list of all delegations to the Conference, including States parties, observers, the United Nations and IAEA, observer agencies and research institutes and non-governmental organizations, is contained in part III of the Final Document.

Financial arrangements

28. At its 21st plenary meeting, the Conference decided to adopt the cost-sharing formula proposed by the Preparatory Committee in the appendix to rule 12 of the

rules of procedure. The final schedule of costs as contained in document NPT/CONF.2005/51 was based on the actual participation of States parties in the Conference.

Work of the Conference

29. The Conference held … plenary meetings between 2 and 27 May 2005, when it concluded its work.

30. The general debate in plenary, in which 93 States parties took part, was held from 2 to 11 May 2005 (see NPT/CONF.2005/SR.2-12).

31. At its 13th plenary meeting, the Conference heard statements by 18 representatives of non-governmental organizations.

32. Main Committee I held six meetings between 19 and 25 May 2005. Its report (NPT/CONF.2005/MC.I/1) was submitted to the Conference at the 21st plenary meeting, on 27 May 2005. Main Committee II held six meetings between 19 and 24 May 2005. Its report (NPT/CONF.2005/MC.II/1) was submitted to the Conference at the 21st plenary meeting, on 27 May 2005. Main Committee III held six meetings between 19 and 25 May 2005. Its report (NPT/CONF.2005/MC.III/1) was submitted to the Conference at the 21st plenary meeting, on 27 May 2005. At that meeting, the Conference took note of the reports of the three Main Committees.

33. The Drafting Committee met on 25 May 2005. At the 21st plenary meeting on 27 May 2005, the Chairman made an oral report on the work of the Drafting Committee and submitted the draft Final Document of the 2005 Review Conference (NPT/CONF.2005/DC/1). At the same meeting, the Conference took note of the oral report of the Chairman.

34. The Credentials Committee held three meetings and, on 26 May 2005, adopted its report to the Conference on the credentials of States parties (NPT/CONF.2005/CC/1). At its 21st plenary meeting, on 27 May 2005, the Conference took note of the report.

Documentation

35. A list of the documents of the Conference and the texts thereof are contained in part II of the Final Document. All the documents may also be found at http://www.un.org/events/npt2005/.

Conclusions and recommendations of the Conference

36. At its __ and final plenary meeting, on 27 May 2005, the Conference considered the draft final document as contained in NPT/CONF.2005/DC/1, and adopted it by consensus. The contents of the final document are as follows:

Part I Organization and work of the Conference
Introduction
Organization of the Conference
Participation in the Conference
Financial arrangements

Work of the Conference
Documentation
Conclusions and recommendations of the Conference

Part II Documents issued at the Conference

Part III Summary records
List of participants

NPT/CONF.2005/CC/1

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

26 May 2005

Original: English

New York, 2-27 May 2005

Credentials of representatives to the Conference

Final report of the Credentials Committee

1. Rule 3 of the rules of procedure of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons provides:

> "The Conference shall establish a Credentials Committee composed of the Chairman and two Vice-Chairmen elected in accordance with rule 5, and six members appointed by the Conference on the proposal of the President. The Committee shall examine the credentials of representatives and report to the Conference without delay."

2. In accordance with rule 5 of its rules of procedure, the Conference unanimously elected Mr. Philip Richard O. Owade (Kenya) as Chairman of the Credentials Committee and Mr. Ivan Piperkov (Bulgaria) and Ms. Deborah Panckhurst (New Zealand) as Vice-Chairmen of the Committee.

3. In accordance with rule 3 of the rules of procedure, the Conference, on the proposal of the President, appointed the following countries as members of the Credentials Committee: Croatia, Guyana, Kazakhstan, Malta, Serbia and Montenegro and Switzerland.

4. The Committee held its first and second meetings on 17 and 24 May 2005 to examine the credentials received as of those dates. The Committee had before it two memoranda of the Secretary-General of the Conference, dated 16 and 23 May, containing information on the status of the credentials of the representatives of the States parties attending the Conference. Pursuant to the request in rule 3 that the Committee report to the Conference, at the 20th plenary meeting, on 26 May, the Chairman, on behalf of the Committee, introduced an interim report of the Committee to the Conference (NPT/ CONF.2005/CC/L.1).

5. Also at its first meeting, the Committee noted the information relayed by the Secretary-General of the Conference and requested the Chairman to invite those States parties that had not done so to submit to the Secretary-General of the Conference the credentials of their representatives, in accordance with rule 2 of the rules of procedure. The request of the Committee was communicated by the Chairman to the States parties through a note (NPT/CONF.2005/INF.4).

6. At its third meeting, on 26 May, the Committee had before it a memorandum from the Secretary-General of the Conference, which gave updated information on the status of credentials of the representatives of States parties participating in the Conference.

7. Having examined the information contained in those memoranda, the Committee noted that as at 26 May:

(a) Formal credentials in due form, as provided for by rule 2 of the rules of procedure, had been received by the Secretary-General of the Conference for representatives from the following 90 States: Albania, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Bhutan, Bolivarian Republic of Venezuela, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Egypt, Estonia, France, Germany, Greece, Guyana, Holy See, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Mauritania, Mexico, Monaco, Mongolia, Morocco, Myanmar, New Zealand, Nigeria, Norway, Oman, Panama, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Samoa, Saudi Arabia, Serbia and Montenegro, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Uzbekistan.

(b) Provisional credentials of the representatives of the following 32 States parties had been communicated to the Secretary-General of the Conference in the form of telefax or copy from their Heads of State or Government or from Foreign Ministers: Algeria, Andorra, Armenia, Azerbaijan, Benin, Canada, Central African Republic, Costa Rica, Dominican Republic, Ecuador, Finland, Georgia, Ghana, Guatemala, Kenya, Kyrgyzstan, Latvia, Maldives, Marshall Islands, Namibia, Nauru, Nepal, Netherlands, Nicaragua, Palau, Peru, Republic of Moldova, Senegal, Sierra Leone, Togo, Turkmenistan and Viet Nam.

(c) The designation of representatives of the following 28 States parties had been communicated to the Secretary-General of the Conference by notes verbales or letters from their Permanent Missions in New York: Afghanistan, Botswana, Burkina Faso, Cameroon, Comoros, Congo, El Salvador, Eritrea, Gabon, Guinea, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Mauritius, Mozambique, Niger, Saint Lucia, San Marino, Suriname, Tajikistan, Timor-Leste, Tonga, Uganda, Ukraine, Yemen and Zimbabwe.

8. On the proposal of the Chairman, the Committee agreed to accept the credentials of all participating States parties referred to in paragraph 7 (a), (b) and (c) on the understanding that the originals of the credentials of the representatives of those States referred to in paragraph 7 (b) and (c) would be submitted as soon as possible, in accordance with the terms of rule 2 of the rules of procedure.

9. At its third meeting, the Committee unanimously adopted its report of the Conference.

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Addendum

1. Following the adoption of the final report by the Credentials Committee, three additional States parties, namely Angola, Uruguay and Zambia, submitted their respective notifications of participation and requested inclusion on the list of States parties participating in the Conference.

2. At its 22nd plenary meeting on 27 May 2005, the Conference decided to add Angola, Uruguay and Zambia to the list of the States parties participating in the Conference.